SENATE—*Friday, October 3, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The guest Chaplain, Bishop Phillip H. Porter, of All Nation Pentecostal Center Church of God in Christ, Aurora, CO, offered the following prayer:

Lord God of all grace, mercy, and providence, lest we fail of the privilege, responsibility, and favor You have bestowed upon us, we beseech You early. You who are before all things also know the call and cause of this day, its duties, and deliberations. We therefore present ourselves before Your throne that You may so anoint us, that we servants of the power granted only by You may be filled with Your spirit, even to the overflowing for the good of Your people, our fellow citizens.

Out of Your wholeness our Father, I ask that same attention for the soul, body, and spirit of these men and women of this great Senate. Our wholeness emanates from You. For their spouses, children, grandchildren, and constituents, we extend these blessings.

And because of the extraordinary gathering of holy men who will be here present, this Saturday coming, by the divine hand of Your dear Son and according to Proverbs 11:11, "By the blessings of the upright the city is exalted," we cast the enemy from the mind and yield to Your holy spirit's presence and power. Be glorified in us, O God, our Father.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

GUEST CHAPLAIN BISHOP PHILLIP H. PORTER

Mr. ALLARD. First of all, Mr. President, I want to thank the guest Chaplain this morning for being with us here in the U.S. Senate and leading off the session in prayer.

It is a particular honor for me to be here since I am from the State of Colorado and he is also from the State of Colorado. It is a good thing he is here. It is a good thing that he is chairman of the board of Promise Keepers. It is a good thing he is becoming a leader in this country in talking about those things that are so very important, I think, to this country. It is a good thing he is talking about civility. It is a good thing he is talking about kindness. It is a good thing that he is talking about the integrity and how important integrity is to this country. It is a good thing that he is talking about the freedoms and what this country is all about. I particularly feel it is a good thing he is putting out so much effort to reconcile men through discipleship in the Lord.

I just wanted to take a few moments this morning to recognize him for his effort on behalf of all of us. I just want to wish the very best this week with Promise Keepers.

SCHEDULE

Mr. ALLARD. Mr. President, today the Senate will be in a period of morning business. Therefore, no rollcall votes will occur during today's session.

As previously announced, there will be no rollcall votes on Monday. It is expected that the Senate will resume consideration of Senate bill 25, the campaign finance reform bill on Monday. In addition, the Senate will resume consideration of the D.C. appropriations bill early next week. It is hoped we can complete work on that legislation and any appropriations conference reports as they become available.

Subsequently, Members' cooperation in the scheduling of floor action next week will be greatly appreciated. Senators are reminded that the next possibility of a rollcall vote will be on Tuesday morning.

I yield the floor.

The PRESIDENT pro tempore. The able Senator from Nebraska.

Mr. HAGEL. I ask unanimous consent I be permitted to speak for up to 30 minutes in morning business.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

BISHOP PHILLIP H. PORTER

Mr. HAGEL. Mr. President, I, too, want to add a welcome for the distinguished bishop from Colorado. My friend and colleague, Senator ALLARD, said it very well; we are much enriched because of the bishop's leadership and his presence this morning.

I note, however, he did not offer a prayer for the Colorado Buffaloes in their anticipated contest with the Nebraska Corn Huskers. That prayer may come later.

GLOBAL WARMING

Mr. HAGEL. On just as important business, Mr. President, I will address this morning the issue of global warming.

Let me first say that the more attention the media and the American people pay to this issue, the better. For the global climate issue will have a major impact on the future of our country, our people, and, indeed, the entire world. How the nations of the world address the global climate issue will be one of the most important global economic and environmental decisions of the next century.

There are differing opinions on the conclusiveness of global warming and how we should address it. But this is not a debate nor has it ever been a debate about who is for or against the environment. I have yet to meet any American who wants dirty air, dirty water, dirty environment or declining standards of living for their children or grandchildren. We all agree on the need for a clean environment. We all want to leave our children a better, cleaner, more prosperous world. So the debate is not about those for or against a clean environment.

As my colleagues, the media and many people in America know, the nations of the world are currently negotiating a treaty to limit worldwide emissions of greenhouse gasses. This treaty will be presented for signatures this December in Kyoto, Japan. Many of my colleagues and I fear the current treaty negotiations will shackle the United States' economy—meaning fewer jobs, lower economic growth and a lower standard of living for our children and our future generations. This treaty would do so without any meaningful reduction in greenhouse gasses because—because—it leaves out the very nations who will be the world's largest emitters of greenhouse gasses, the more than 130 developing nations including China, India, Mexico, South Korea, and many others.

The U.S. Senate took a very strong and unequivocal stand against this treaty in July when it approved the Byrd-Hagel resolution 95–0. That resolution states that any treaty signed by this administration must come before the Senate for ratification, and the U.S. Senate has stated very clearly that it will not approve a treaty that excludes the developing nations or that would cause serious economic harm to the United States. This body is on record by a vote of 95–0, stating that very clearly.

There is simply no way for the terms of current negotiations of the Global Climate Treaty to satisfy the conditions of the Byrd-Hagel resolution. In

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

fact, I was very disturbed, Mr. President, to learn this week when the administration's chief negotiator on this treaty, Under Secretary of State Tim Wirth, briefed the Senate's global climate change observer group that he said it was very unlikely that the developing nations will be included in any treaty to be signed in Kyoto, Japan, this December. The exemption of these nations would surely bring about the treaty's defeat here in the U.S. Senate.

However, this is not preventing the administration from pressing forward with this treaty. Although its final negotiating position has not yet been made public, instead of telling the Senate, the media, the American people, exactly what the administration will be pushing for at Kyoto in respect to exact emission levels and timetables, the White House has unleashed its typical spin campaign.

For example, Secretary of Interior Babbitt has been out all over America on college campuses lecturing our young people about the dire and horrific consequences of global warming, while failing to mention the contradicting science, the very clear contradicting science or the very real economic consequences that would have a very real impact on this country's standard of living—jobs, future.

In fact, I have to say, Mr. President, in almost unparalleled arrogance Mr. Babbitt has gone so far as to say the following about those who dare disagree with him or the administration on the issue of global warming, and who would have the audacity—can you imagine anyone challenging the administration on this issue—to argue against the treaty? I quote from the Secretary of Interior: "* * * what they're doing is un-American in the most basic sense." From the Secretary of Interior.

The Energy Department released a study which they said shows that the United States can achieve these reductions of emissions called for in the Global Climate Treaty without acknowledging that what they really meant to say was we could get one-third of the way to the goals under the most rosy assumptions by completely shutting down a number of American industries such as the coal industry and by increasing energy costs either through taxes or regulation. They have failed to mention that.

The administration claims that the debate over the science is over. The administration said there is no debate, anymore, on the fact that the globe is warming up. While newspapers across America are writing front page-stories on alternative scientific explanations for the Earth's warming, still the administration persists.

I noted that the White House hosted a session this week for weather forecasters from across America to learn more about global warming and to broadcast their weather forecasts from the White House lawn. That is an interesting photo-op, good public relations. This is what one weathercaster had to say: "I was somewhat skeptical that human beings were really doing anything to affect the weather. But hearing the President and the Vice President state emphatically that the scientific debate is over, well, that went a long way toward convincing me."

The scientific debate is over? Oh, no. No, quite the contrary. The scientific debate is still very much ongoing. Perhaps the White House did not read the lengthy September 23 story in the New York Times describing how a number of respected scientists and climatologists from around the world believe that variations in the Earth's temperature are the result of changes in, imagine this, solar activity. The Sun might, in fact, have something to do with global climate changes. Judith Lean of the Naval Research Laboratory here in Washington was quoted as saying, "We figure that half the climate change from 1850 to now can be accounted for by the Sun." Scientists at the Harvard-Smithsonian Center studied records of the past 120 years and determined that the Sun is responsible for up to 71 percent of the Earth's changes in temperature. Imagine that, when they added other factors into their research, that figure rose to 94 percent.

Perhaps the White House didn't see the "NBC Nightly News" in August on a research ship funded by 23 nations that is going thousands of feet below the surface of the ocean and studying the Earth's geological history. So far, these scientists have sampled 87 miles of rock and sediment from all over the world. And according to one of the main scientists on the ship, Prof. Nicholas Christie-Block of Columbia University, they have captured about 10 million years of the Earth's history in a single core sample of mud, sand, and rock. He said, "The information we have to judge the modern climate is incomplete. We don't have that long-term perspective."

Studying these core samples gives the scientists information on when the Earth's oceans rose and fell. They can chart the Earth's ice ages and hot spells. Some of these scientists believe as you look at the history—specifically the history of the climate of the Earth—that we are actually at the warmest point between two ice ages. The weather forecast from that report? "Hot tomorrow, and 50,000 years from now, skiing in Texas and sledding in Florida." I am sorry to say, Mr. President, that prohibits skiing in Colorado.

Perhaps the White House has never heard from Dr. Richard Lindzen, professor of meteorology at the Massachusetts Institute of Technology, who testified before the U.S. Senate Environment and Public Works Committee that, "a decade of focus on global warming and billions of dollars of research funds have still failed to establish that global warming is a significant problem."

Perhaps the White House is unaware of the research by Dr. Patrick Michaels, a distinguished climatologist and professor of environmental science at the University of Virginia. In a Senate hearing, Dr. Michaels noted that conditions in the real world simply have not matched changes projected by some computer models. Most of the warming this century occurred in the first half of the century when there was not a greenhouse gas emissions problem. He further testified that 18 years of satellite data actually show a slight cooling trend. These data are backed up by balloon data.

Even the chairman of the U.S. Intergovernmental Panel on Climate Change, Dr. Bert Bolin, admits the uncertainty. When informed that Undersecretary of State Tim Wirth stated in testimony that the science was settled, Dr. Bolin stated, "I've spoken to [Tim Wirth], and I know he doesn't mean it."

I fear the White House Conference on Global Warming this Monday will be just as one-sided. There will not be an attempt to present the American people with a full discussion of all aspects of the global warming issue. It will be a propaganda tool to spread the truth according to the White House—another photo op—irrespective of legitimate differing views. I fear that it will not be a serious discussion of all sides.

The administration underlined this attitude last week when they refused to send any witnesses at all to the Senate Energy Committee Hearing held by Senator MURKOWSKI. I will be holding a Foreign Relations subcommittee hearing on this issue next Thursday, and I hope the administration has changed its views about sending witnesses to Senate hearings.

The arrogance of the administration on this issue has been unparalleled. It does not serve the American people, nor the world, when the White House only gives them one side of an issue that will directly affect the lives of all our people and their future.

And the White House, Mr. President, is not alone. Yesterday, Ted Turner ordered that all ads opposed to this treaty be pulled from CNN. This is the kind of suppression of speech we usually expect from totalitarian countries. These ads were being run by American business, business organizations, agriculture, consumer groups, and labor unions, which very much oppose the White House approach to global warming and have very legitimate concerns about the impact this treaty would have on them and the American people. Why are they running these ads? Because the White House is only telling one side of the story and because it has

been difficult to get the media to cover any alternative points of view. Yet, Ted Turner thinks the treaty is a great idea. He has spoken on it all over the world—the world is coming to an end. So he unilaterally pulls the ads of those who disagree with him and prevents this viewpoint from being aired to the millions of Americans who watch CNN. Mr. President, we have heard an awful lot about free speech this week in the debate on campaign finance reform—the first amendment, the Constitution, expressions of our people, and the very foundation of America is the first amendment. Mr. Turner's action is a prime example of what will happen when you allow free speech to be cut off. This isn't even free; our people are having to buy it.

I am here to talk about the rest of the story—the point of view you won't hear from Mr. Turner or the White House, and you surely won't hear it on Monday—the point of view you won't hear in many media. Mr. Turner's conduct is outrageous, his arrogance and disregard for the American public and their right to express themselves on the public airwaves is truly unparalleled. I intend, Mr. President, to ask for a Senate hearing on this and get an explanation on Mr. Turner's actions.

I note that in this morning's Wall Street Journal, a rather significant editorial was written about Mr. Turner's actions. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

THIS IS CNN?

President Clinton is intent on using television to pitch his support for a United Nations treaty to curb global warming. This week, he invited 100 TV weather forecasters to the White House hoping they'd propagandize local viewers on behalf of his crusade. Meanwhile, it appears that some other backers of the treaty don't want to allow its opponents to contradict them on TV. Take CNN. After running two ads skeptical of the treaty for three weeks, CNN has ordered them off the air. The cable-news network says it doesn't want them running while they do extended coverage of the issue.

The ads are, or were, being run by the Global Climate Information Project, a coalition of business, labor and consumer groups who think the climate treaty would force the U.S. to cut energy use by 20% while countries such as China, India and Mexico are exempt. Project members include groups such as the National Association of Manufacturers that you might expect to oppose the treaty. But it also includes the National Black Chamber of Commerce, the Small Business Survival Committee, the Seniors Coalition and the United Mine Workers and the AFL-CIO.

The Project's ads lay out the case that higher energy costs imposed by the treaty will raise prices for U.S. consumers while citizens of countries "responsible for almost half the world's emissions won't have to cut back." The ads began running on CNN and many radio stations September 10.

Ben Goddard, an executive with the First Tuesday group that prepared the ads, says he got a call from a CNN executive yesterday morning. He was told the ads were being taken off the air. When Mr. Goddard inquired, he was later told that the decision had been made by Tom Johnson, CNN's chairman, and CNN founder Ted Turner, now a vice chairman of the parent company Time-Warner.

To its credit, CNN, unlike other networks, does accept "issue advocacy" ads of this type. But as CNN spokesman Steve Haworth explained, it has a policy of pulling such ads "during periods of intense media coverage of the subject matter." He argues that inattentive viewers might confuse the ads with the news coverage and vice versa. Mr. Haworth says the decision was made after a "coincidental" complaint alleging the ads were inaccurate was filed by the pro-treaty Environmental Information Center. CNN executives didn't rule on the Center's complaint, but decided to pull the ads because CNN's coverage of the treaty was being stepped up. Mr. Haworth says he "doesn't know" if Mr. Turner participated in the decision.

Mr. Haworth could come up with only two other examples when CNN invoked what he admitted was its "subjective" policy. It didn't pull ads at the height of the debates over NAFTA, health care reform and tort reform.

Let's see if we get the logic here: Insofar as CNN decided not to offer live coverage of the Thompson campaign finance hearings, it presumably would accept "issues" ads promoting their importance to the public.

CNN of course has a right to carry or not carry any ads it wishes. But its sudden reversal on the anti-climate treaty ads smacks of, well, an overheated response. Treaty supporters tend to become apoplectic at anyone who dares suggest that the threat of global warming is theory, not established fact. Last July, Interior Secretary Bruce Babbitt lost it when he claimed that "oil companies and the coal companies in the U.S. have joined in a conspiracy to hire pseudo scientists to deny the facts." He went on to say that "what they are doing is un-American in the most basic sense."

By pulling the plug on a responsible point of view in a public debate, CNN is circumscribing give-and-take over an international treaty of direct consequence to every American. Given that media coverage is already tilted toward global warming doomsayers, the public will be less informed as a result. Ted Turner may now have become the world's number one supporter of the United Nations, but when it comes to citizens of the United States he apparently would just as soon they not hear arguments against the U.N.'s pet treaty.

Mr. HAGEL. Mr. President, the fact is this treaty is not based on sound science. The scientific community has not definitively—even close to definitively—concluded that there is global warming caused by human actions. The science is inconclusive and often contradictory. Predictions for the future range from no significant problem to global catastrophe. The testimony of some of our most eminent scientists and climatologists have made this abundantly clear. The global climate is incredibly complex. It is influenced by far more factors than originally thought. The scientific community has simply not yet resolved the question of whether we have a problem with global warming. But the lack of conclusive scientific data is only one of five reasons why the U.N. Global Climate Treaty is such a very, very bad idea.

The other four reasons are these:

The treaty excludes the over 130 developing nations, including the world's biggest emitters of greenhouse gases over the next 15 years. The treaty excludes these people, rendering the treaty's objectives meaningless. It would not accomplish—even if you accepted the science—what it intends to accomplish.

The economic impact would be devastating for the United States. We would see the loss of millions of jobs, entire industries would flee to other countries, our people would face higher fuel costs, higher taxes, leading to lower productivity and a lower standard of living. It is not because I say this. Why, Mr. President, do we have an almost unparalleled development where American business, American industry, American agriculture, and America's labor unions are all united against this? There must be a reason. There is a good reason. The testimony is very clear on this.

This also cuts to the heart of our national sovereignty. We don't hear much about our national sovereignty. Is that important to me? Yes, it is. I think it is important to every American. It cuts to the heart of our national sovereignty by setting up an international authority that would subject U.S. businesses and industries to its authority and penalties. Never before in the history of this free Nation has that occurred. This is one U.S. Senator that will not allow it to occur.

And it would have a devastating impact on our national security interests. There is not much talk about that either. One of the biggest users of fossil fuels in America is what? The U.S. military. So are we really talking about subjecting our national security and our national defense to unknown environmental quests? I don't think that is smart. I don't think the American people want this body of policymakers to do that.

Even if the scientists could agree—and they don't—this global climate treaty would do nothing to provide a long-term solution because of the first factor here, excluding the world's largest emitters of greenhouse gases over the next 15 years. They don't have to sign up to any mandatory requirements—mandatory by the force of law, incidentally—that the United States and other developing nations would subject themselves to. Over 130 other nations would not have to do that.

This makes no sense, given that these nations include some of the most rapidly developing economies in the world. What would that do to our competition? How would we be able to compete? By the year 2015, China alone will be the world's largest producer of greenhouse gases. They are held harmless in this treaty. Mr. President, let

the record show that in all the negotiating sessions leading up to the Kyoto treaty signing, China has made it very clear that it will never agree to binding limits on its emissions of greenhouse gases.

It is the United States and other developed nations who are already doing the most to reduce greenhouse gas emissions. The United States is far beyond most countries here, and we continue to be. So how could any treaty aimed at reducing global emissions of greenhouse gases be at all effective when it excludes these other nations. The exclusion of these nations is a fatal flaw.

It should be pointed out that these treaty negotiations are being chaired by—and this is a particularly interesting point—a diplomat from one of the developing nations. So we have an individual who is chairing these negotiations, whose country will not be required to adhere to the treaty. Yet, he is directing the United States and other developed nations to abide by mandatory treaties obligations. In fact, four of the five U.N. working groups charged with drafting the language of this treaty are chaired by diplomats from developing countries who would not be included in this treaty. All would be exempt from any binding commitments. That doesn't make sense to me, Mr. President.

Third, this global climate treaty would cause a significant slowdown in the U.S. economy. One of the notable aspects of this issue in the United States is that it has united all the different groups that I mentioned. We have heard testimony from the AFL-CIO, the American Farm Bureau, National Association of Manufacturers, noted economists, and dozens of other organizations that represent the rank and file, the working American men and women in this country. They have all agreed on one thing: This treaty would have a devastating affect on America. I could go on and cite economic models, economic analyses, as to what degree. Would we lose 3 percent, as some forecasts have said, from our annual growth? Would we lose 1.5 or 2 million jobs if this treaty goes into effect?

The Wall Street Journal reported yesterday that the President's own economic advisers are very concerned. The President's own economic advisers are very concerned about the impact this treaty would have on the U.S. economy. It was a large back-page story in yesterday's Wall Street Journal. According to the article, some are concerned that "ambitious targets for reducing carbon emissions * * * could trigger economic upheaval greater than the 1970's oil shocks." Does anybody remember that? I do.

Lawrence Summers, Deputy Secretary of the Treasury stated, "What we have to do, what we are all working to do, is find the best way to meet environmental objectives along with meeting strong economic growth."

These are not the rantings and ravings of big business, or the energy industries, or some bizarre group of people—these are the concerns of the President's own economic advisers.

I have not spoken with any American who would choose to relive the high energy prices and gas lines of the 1970's—all for a treaty which excludes so many nations that it wouldn't work anyway.

The Argonne National Labs study, commissioned by the U.S. Department of Energy, concluded that constraints on six large industries in the United States—pertroleum refining, chemicals, paper products, iron and steel, aluminum, and cement—would result in significant adverse impacts on the affected industries. They furthermore concluded that emissions would not be significantly reduced. The main effect of the assumed policy would be to redistribute output, employment, and emissions from participating to nonparticipating countries.

The fourth troubling aspect of this treaty is one which has received very little discussion, but would have long-range and far-reaching consequences. This treaty has the potential of bringing under direct international control virtually every aspect of our Nation's economy. The power of legally binding emissions mandates in this proposed treaty would control nearly all forms of a country's energy use. This kind of international authority cuts to the very heart of a nation's sovereignty. Do we want U.S. companies answering to an international authority on how much and what kinds of fuel they can use at what cost? Do we ant an international body dictating energy prices in America and enforcing these mandates? I don't think so.

The fifth problem with this treaty is another which has received little discussion. America's military is one of our Nation's largest users of fossil fuels. How would legally binding controls on the emission of greenhouse gases affect our military capabilities, military readiness, flying our planes, driving our tanks, our ships?

This treaty could have a serious impact on the readiness of our Armed Forces, and our ability to defend our national security interests around the world. Sherri Goodman, the Defense Department Undersecretary for Environmental Security has said that the U.N. Global Climate Treaty could have large impacts on our military. Two weeks ago Senator INHOFE and I wrote a letter to Secretary of Defense Cohen asking him for an answer to press reports that the administration was planning to adopt draconian new restrictions on U.S. Government use of fossil fuels and asking for any studies the Defense Department had done to assess the impact of forced reductions in greenhouse gas emissions.

Why are we rushing headlong into signing a treaty in Kyoto this December? The scientific data is inconclusive, at times even contradictory. The treaty excludes the nations who will be the world's largest emitters of greenhouse gases. The economic costs would be devastating. This treaty would be a lead weight on America's economic growth, killing jobs and opportunities for future generations. It would cause U.S. companies to have to answer to an international authority. And this treaty could have dramatic consequences for America's national security interests.

An additional threat to the United States on this issue is coming from the Clinton administration. According to press reports, President Clinton is being pressured by environmental organizations to sign the kind of draconian treaty that would have all of the consequences I've just described. Some administration officials have recommended that the President sign a treaty in Kyoto and then withhold it from the Senate for ratification. In the words of one participant in that meeting, "anything that could get through the Senate next year is probably not worth doing." Last month, Majority Leader TRENT LOTT and I sent a letter to President Clinton warning him that it "would be a grave error to go forward with this kind of strategy and treaty, with the explicit intention of withholding such a treaty from the Senate for domestic political considerations."

Undersecretary of State Tim Wirth testified before my Foreign Relations Subcommittee on June 19, and I specifically asked him for assurances that the administration would submit any agreement reached in Kyoto to the Senate in the form of a treaty. Undersecretary Wirth testified that "it will either be a protocol to a treaty or an amendment to a treaty * * * (that) will have to come back up in front of the United States Senate." I expect President Clinton and the administration to honor the commitment stated publicly by Undersecretary Wirth.

Well, Mr. President, we could go on. It is very clear that we have a real concern, a real problem. Many of us in this body are taking a rather active role in addressing this issue. I would like to end, Mr. President, with this quote. This is a quote from a recent newspaper article from Bryan Tucker of Australia, the past president of the International Association of Meteorology and Atmospheric Science, who makes one of the best arguments for why this track to Kyoto is entirely off base. He writes,

The impossibility of attaining the 1992 Rio targets was not acknowledged at Berlin, let alone the lunacy of setting still more stringent ones . . . The real trade offs were not mentioned, and many new strains of hypocrisy were in evidence . . . Environmental opportunists, grasping at any information no

matter how selective or exaggerated to foment alarm, appeared completely oblivious to the downstream effects of their extravagant demands.

This says it straight. This says it directly.

I know that in this body the American people will hear more about this issue, as they should, and I am grateful for an opportunity this morning to talk a little bit about a very, very important issue. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, parliamentary inquiry: It is my understanding that the next hour is under my control or a designee of my selection.

The PRESIDING OFFICER. The Senator from Georgia is correct.

IRS HEARINGS

Mr. COVERDELL. Mr. President, I rise this morning to comment on the revelations—that is a good word for it—the "revelations" of the hearings on the Internal Revenue Service which were chaired by the distinguished Senator, BILL ROTH of Delaware, chairman of the Senate Finance Committee.

I think those hearings, while not of any particular surprise to most Americans, nevertheless riveted the country on a confirmation, a ratification, of one dinner discussion and one office coffee klatch after another that had gone on across the country for years that expresses itself in almost every public meeting I attend. Somebody would say, "What are we going to do about this IRS? When are you going to do something about this?"

So it has had the effect of emboldening the Nation as some rather courageous people stepped forward and told their story publicly. American after American said, "Well, that is exactly what happened to me."

It is interesting, but over the last year I have been working with a citizen who made about $19,000 a year and earned an extra $1,000 tutoring and mistakenly thought that the check that he got for this tutoring was after the taxes had been taken out. That was the error. It took the IRS 3 years to discover that. It happened in threats to garnish the wages, letters that one might expect if they were inside a prison preparing to be dragged out for public scorn—threats for the tax on the $1,000 that they discovered wasn't collected 3 years past. By the end of the day, which probably will be another 2 years or more, this fellow will have paid in penalties and in fines almost $4,000. The fellow who makes $19,000 a year—$4,000 in fines and penalties because they didn't get the tax on the $1,000. What would that be? A couple of hundred bucks. That is debtor's prison. That is what that is.

There is not a Member of Congress who cannot cite story after story like that. There is just no excuse for that kind of behavior in this country.

It did make me think and feel that there was a growing propensity to go after—I couldn't certify it—but to go after people who can't defend themselves; easy pickings. This fellow could do nothing to defend himself. Fortunately, at least, we were able to help keep his whole life from collapsing. But this ought not to be the case.

I was reading an article by James Pinkerton, who was in the Bush White House, in the Washington edition of the Los Angeles Times. It is very interesting. He draws several conclusions, but the first one is important.

His first conclusion is that power corrupts. He said, "This is not a new lesson perhaps but an enduring one, and in this particular case we need to be reminded that civil liberties properly extend beyond protesters and criminals to include taxpayers and small businesses."

This fellow that I just talked about, no one in the country should be treated that way by Government employees. They work for this fellow, not the other way around. You would think there would be some feeling of concern about a citizen who was having a tough time anyway. You would think there would be some understanding that this was no purposeful act, this was a mistake, and it ought to have been a simple correction; settle it. But, no. I mean, here we go rolling our way through another $3,000 or $4,000 in fines and penalties.

Power corrupts.

The second conclusion is interesting. "IRS employees are people too, which means that when revenuers become immersed in the shackled-by-their-ankles enforcement culture of the IRS"—which is what this fellow had happen to him—"some become tyrants and many turn into income maximizers. The IRS established its field office performance index quietly flouting a 1988 law that forbade quotas on tax collection." The law said there will not be quotas. Who over there decided that the law didn't apply to them?

The President the other day said, "Well, it is better than it used to be." Well, for Heaven's sake, I can't imagine what it used to be.

"It turned its 33 district managers into 'taxpreneurs' by offering cash awards to top performers."

In other words, if you could get out there—it is like the old speeding ticket scams that we used to read about where the officer on the patrol was rewarded by how many tickets he could give.

I think it probably was pretty stunning to all of those who were watching those hearings to know that even though there is a law that says you cannot have a quota on tax collections, they did it anyway.

Another conclusion: "The checks and balances system is not just constitutional philosophy. It is a practical safeguard for liberty."

In other words, the checks and balances that our forefathers put into the American system, so that, to get at the first conclusion he made that power corrupts, the understanding of that, the forefathers created a government in which one branch was always looking over the other.

Here is a perfect case where the executive branch has a rogue situation, doing nothing about it, and the Congress steps forward and finally assimilates all of these complaints and all of these allegations. We have the spectacular hearings, and, lo and behold, what do we find?

"As so often happens in these situations, the IRS insisted that it had done no wrong."

There was nothing wrong over there. These are just disgruntled taxpayers.

But we have the hearings, and what happens? The IRS apologizes, saying, you are right, we have been doing this, and says it won't do it again.

I see I have been joined by my good colleague from Arizona. I will make one more point about this article, and then I am going to turn to him.

The fourth conclusion was that more than two decades ago an economist named Arthur Laffer started a fiscal revolution by stating the obvious, that too high rates of taxation, if you make them too high, become counterproductive. You get into this maze of circumstances and a code that becomes horribly complicated. "Power corrupts. We had an environment in the agency that fostered bullyism." Thank Heaven, the forefathers had checks and balances so this could be discovered. We made a mess of the Tax Code. We are getting a better, better view of this thing, and there will have to be something done about it and not excuses made for it.

With that, Mr. President, I turn to my colleague, the good Senator from Arizona, and yield up to 10 minutes, if that is sufficient.

Mr. KYL. I thank the Senator from Georgia for taking this time this morning to bring to the attention of our colleagues and the American people again the abuses of the Internal Revenue Service and the necessity for fundamental tax reform as one of the solutions to those abuses.

I also want to commend the chairman of the Senate Finance Committee, Senator ROTH, for holding the hearings last week to expose the problems in the Internal Revenue Service's dealings with taxpayers and to thank the taxpayers and the IRS employees who had the courage to come forward and tell their stories. Although we all knew there were serious problems, I do not think that any of us realized the extent to which there are problems with the

way that IRS does its business, as we learned those things from the hearings.

As a matter of fact, as Senator ROTH put it, we found that the IRS far too often targets vulnerable taxpayers, treats them with hostility and arrogance, uses unethical and even illegal tactics to collect money that sometimes is not even owed, and uses quotas to evaluate its employees. It is behavior that is clearly unacceptable.

Obviously, I think we need to say at the outset that most IRS employees are law abiding and professional. We recognize that they have a very difficult and, indeed, thankless task of administering a Tax Code that is exceedingly complex, it is filled with contradictory provisions and open to differing interpretations. But the IRS has tremendous power, power that can bankrupt families, can put people out of their homes, literally ruin lives, and that makes abuse of that power intolerable.

The Finance Committee has been fielding calls from thousands of taxpayers all across the country with horror stories about their encounters with the IRS. My office has been taking calls, too, most frequently from taxpayers who are so fearful of IRS retaliation that they are leery of leaving their names or addresses.

We heard, for example, from a taxpayer who was hounded by the IRS for overpaying his taxes. The IRS put one constituent through the wringer of audits annually for 20 years and never found anything wrong. Another person received a tax refund in error from the IRS. Knowing that it was in error, the constituent never cashed the check, yet when the IRS discovered its own error later, it demanded the refunded check back with interest. One family had a lien placed on its house, worked out a payment plan with one of the IRS agents, only to have another IRS agent later institute foreclosure proceedings.

What is most galling, I think, to the taxpayers is not that they have to pay taxes, clearly, but there is virtually no recourse when the IRS makes an error. The cost of setting things right, hiring attorneys, CPA's, and the like can be so high that people agree to pay the taxes and penalties that sometimes they do not even owe. In fact, reports are that the Clinton IRS has been boosting its efforts to catch people at the low end of the income scale. According to IRS data, the chance of an audit actually quadrupled between 1990 and 1996 for people reporting annual incomes of less than $25,000. By contrast, the odds of $100,000-plus filers being hit with an audit dropped 40 percent.

The Clinton administration, which likes to portray itself as being on the side of the little guy, has been quick to discount all of this taxpayer angst. "We shouldn't politicize it," the President said of the IRS, despite reports that the Clinton IRS itself has been singling out high-profile critics of the administration for audits.

Legislation has been introduced in both the House and Senate to begin to rein in the IRS. For example, Senators GRASSLEY and KERREY introduced the IRS Reform and Restructuring Act here in the Senate.

But I do not think we should be under any illusion that an IRS bill alone will solve the problem. Our Nation's Tax Code as currently written amounts to more than 17,000 pages of confusing, seemingly contradictory tax law provisions. We need to reform the IRS, but unless that reform is followed up with a more fundamental overhaul of the entire Internal Revenue Code, problems with collections and enforcement are likely to persist. If the Tax Code cannot be deciphered, it is going to invite different interpretations from different people, and that is where the problems with the IRS arise.

Replacing the existing code with a simpler, fairer, flatter tax would facilitate compliance by taxpayers, offer fewer occasions for intrusive IRS investigations, and eliminate the need for special interests to lobby for complicated tax loopholes.

There are a variety of approaches to fundamental reform that are pending before the Congress, including the Shelby–Armey flat-rate income tax, the Shaefer-Tauzin national sales tax and the Kemp Commission simpler, single-rate tax. Each has a passionate advocate in Congress and around the country. Any one of these options would be preferable to the existing income tax system.

So why have we not settled on one of them and pressed on with the job of fundamental tax reform? The answer is that while there is overwhelming public consensus in favor of an overhaul of the Tax Code, a public consensus has yet to emerge in favor of a sales tax or a flat tax or some alternative. Given President Clinton's lack of support for any fundamental tax reform, it is likely to take a broad public consensus, the likes of which we haven't seen in recent years, to drive such a tax overhaul plan through the Congress and past the President's veto pen.

Steve Forbes made tax reform the central theme of his campaign for the Presidency 1½ years ago. In fact, he carried the Arizona primary in large part because his tax plan really resonated with the voters in my State. Yet he failed to win the nomination, and neither Bill Clinton nor Bob Dole pursued the issue with much passion or conviction. I think it will take a national campaign to build the kind of consensus that will be needed to move forward with fundamental tax reform, which is probably the most momentous undertaking of the century.

The Finance Committee hearings about taxpayer abuse by the IRS, the Kemp Commission's recommendation in favor of fundamental tax reform last year, new proposals to sunset the IRS Code, and the debate that sponsors of the flat tax and sales tax are expected to take on the road across the country within the next few months, all will help to move the debate forward.

In conclusion, we can pass an IRS reform bill to rein in the IRS and make sure that it treats taxpayers fairly and reasonably and respectfully. But let us not fool ourselves. The IRS cannot be faulted for a tax code that is too complex and filled with contradictory provisions. Until the Tax Code is simplified, problems in one form or another are likely to persist. We must use this opportunity to begin the debate about fundamental tax reform.

Again, Mr. President, I commend the Senator from Georgia for taking the leadership to engage in discussion today.

Mr. COVERDELL. Mr. President, I thank my colleague from Arizona for his comments today and, more importantly, for his dedication to efforts to improve this predicament we have gotten into here.

I spent the first several minutes talking about several conclusions that a very thoughtful young man had put together after watching these hearings. I think he pretty much echoes what probably would be the views of the American public, that the IRS, while there are many good employees in that large institution, has endemic and very, very serious problems.

So you can understand my surprise when I pick up this past Tuesday, September 30, the Washington Times with a headline that says, "White House Champions IRS. President Opposes Citizen Oversight."

That is mind-boggling:

> The White House yesterday came to the defense of the embattled IRS, vowing to vigorously oppose Congressional efforts to create a citizen oversight board to protect Americans from agency abuses. It is a recipe for conflicts of interest, and the notion that the right way to deal with these problems with the IRS is to decrease accountability and have part-time managers who would be themselves involved in a range of financial transactions would be a serious backward step.

So it is better to leave it as it is, I guess, as if the people who currently manage it are not taxpayers and are not involved with financial transactions. The current manager is the Secretary of the Treasury, spent his life in financial transactions.

> They warned the Congress against reacting hastily by legislating broad reforms that could lead to the death of the agency.

Defend the status quo. Leave things the way they are. Things are actually improved. I wonder how many Americans believe that. How could anybody who watched those hearings come to the conclusion that things are better over there and that the Congress should sit here and sort of hold its

hands and wait around and see if something improves.

I am going to take just a moment here, Mr. President, to revisit apparently some of this the White House missed.

Msgr. Lawrence Ballweg, an 82-year-old priest from Florida, told of "devious" IRS agents who erroneously tried to grab $18,000 from a trust fund for the poor set up by his late mother.

Nancy Jacobs, a Bakersfield optometrist's wife, broke down in tears as she explained how aggressive IRS agents hounded her husband for 17 years because they mixed him up with another taxpayer.

Of course, we all know that they spent $4 billion—billion —overhauling their systems, but for 17 years they could not figure out that they were chasing the wrong taxpayer—for 17 years.

Tom Savage, a Delaware small businessman, said that the IRS concocted an imaginary company that he co-owned with another taxpayer, and then illegally seized $50,000 to pay for the other taxpayer's debts.

Katherine Lund, an Apple Valley, CA, woman, described how the IRS could not keep track of its own records, repeatedly threatening to seize her home if she did not pay a tax debt left over from a former marriage. Although on three occasions she sought to clear the debt, another branch of the agency continued to pester her.

Robert S. Schriebman, a tax attorney from Rolling Hills Estates, testified that in many instances IRS power is too great, citing the authority of the agency to seize homes—

Take a citizen's home—

with only the signature of a district director.

How many cases are there that we all know of where the IRS has taken a taxpayer to court on a theory about the Tax Code and lost. Of course, by then the taxpayer has spent hours and hours and hours, suffered anxiety after anxiety and lost thousands of dollars, and won in court, setting a precedent on the theory being challenged, and they turn right around and sue another taxpayer on the same theory, paying no attention to the court precedent that had been set by their loss before. Maybe they will win the next one and just keep repeating it.

I might add, the legislation I have introduced in the Senate and Congresswoman DUNN, from Washington State, in the House, would stop that practice, stop them from paying no attention to court precedents.

Late in the hearing Wednesday, Jennifer Long, an IRS agent, testified—this is an IRS agent, testifying before a Senate Finance Committee—that the IRS had fabricated evidence—in other words, made it up, falsified it—in tax cases and targeted individuals who are vulnerable because of low income or modest education. If you remember, I cited a personal case, of which I have personal knowledge, of just that very thing happening: Just beat up on people who virtually have their hands tied behind their backs because they have no resources whatsoever with which to defend themselves. I repeat, an IRS agent testified before the committee that they made up evidence and targeted individuals who are vulnerable because of low income or modest education.

I mentioned a moment ago the Apple Valley woman who drove to Washington with her current husband, Orange County prosecutor Jime Hicks, because the couple could not afford to fly with their children. "My credit is completely destroyed," Ms. Lund said, "and my husband's credit is seriously damaged. We will suffer the effects of the IRS collection for the rest of our lives." It is important to remember that, when you entangle the citizens in this activity, that you often alter the course of their lives forever.

Ms. Lund laid out her story for nearly half an hour, at times breaking into tears. She said her problems with the agency started when the IRS assessed additional taxes of $7,000 after she had filed her 1983 tax return. By then she had divorced her previous husband and was unaware of the tax assessment. It takes them years to find these things out, but then they levee against it all the way back to the point of error, or mistake. The IRS repeatedly came after Lund to pay the bill. She paid the assessment three times, but the agency would send her the money back. You begin to get a hint, if you were getting these checks, that this person was trying to resolve the problem. They sent the money back, saying she did not owe them anything. Then another branch would dun her again. This is almost unbelievable. When she married her second husband, Hicks, the IRS went after him, too, attempting to levy his paycheck from Orange County earlier this year. The couple finally filed for divorce, not to escape their marriage, but to protect his check from the IRS. Lund and Hicks also nearly lost their home to an IRS lien. The entire snafu was caused by the IRS creating a collection record that was never noted in the master computer file, a procedure reflecting old equipment, and the error was corrected only after the committee took its findings to the IRS. So, from 1983 to 1997, this woman and her new husband have been pounded on and pounded on and pounded on by the IRS.

In the case of Savage, the Delaware businessman, an investigation by the committee staff turned up evidence that the IRS had committed serious ethical errors. In 1993, the Justice Department warned H. Stephen Kesselman, the agency's district counsel in Philadelphia, not to pursue the case against Savage because its seizure—taking—of his check was wrongful, not right in the first place. Despite the Justice Department's advice, which was not disclosed to Savage until the hearings, the IRS continued pressing its case against him for another—now, listen—for another year and a half. They took the check improperly. The Justice Department told them they took the check improperly. The Justice Department warned the counsel of IRS they had done something in error. And then, for a year and a half, they kept doing it. Out of control.

Savage eventually paid the agency $50,000 to settle the matter, fearing that a court fight would cost him even more. And every businessman who exists has been through that, in these days. He estimated the episode had cost him a quarter of a million dollars in lost business and legal fees, forcing him to continue working 4 additional years before he retired.

I am going to come back to what I said a moment ago. The White House yesterday came to the defense of IRS, and has warned the Congress not to act hastily. I suggest that Treasury revisit the testimony before they start suggesting that the Congress should be patient, and not get overly concerned, things are better, and that we might act too hastily.

Mr. President, we have been joined by my distinguished colleague from Alabama. I yield up to 10 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I want to thank the Senator from Georgia, Senator COVERDELL, for yielding time to me this morning, because I think what we are talking about is very important to the American people.

The hearings that the Senate Finance Committee held last week, regarding the problems that pervade the Internal Revenue Service, were very, very important in bringing to light, as the Presiding Officer knows, the level of abuse taxpayers often are subject to at the hands of the Internal Revenue Service. This sort of activity all across this country has affected people in every State, including my State of Alabama. Today I would like to just share for a few minutes one such instance with you and my colleagues in the Senate, and talk about why we need to do more than simply reform the Internal Revenue Service.

One of my constituents in Alabama, Phillip Prebeck, of Foley, AL, provides an illustration of an average play-by-the-rules Alabamian, or we should say American, who has had to endure the IRS harassment. His story is particularly poignant because it involves his late daughter, Mary Hunt, and it occurred during a time when he was still grieving over her death.

After Mary's death in November of this past year, 1996, Mr. Prebeck prepared his daughter's tax return, deceased daughter's tax return, in early March of this year. And, after including a copy of his daughter's death certificate and a letter explaining the situation as well as other appropriate information, Mr. Prebeck filed the return.

In June, the IRS sent a letter to his daughter, his deceased daughter, indicating that she owed $937, and that she needed to pay up. Think of it in this context. Mr. Prebeck phoned the IRS and informed them again that his daughter, Mary, had passed away and had left no estate. The IRS representative, who would not give her name, informed him that he was responsible for the liability nonetheless. What followed was a series of mixed messages from a slew—really, a slew of IRS representatives, as to whether he was responsible for his deceased daughter's tax liability.

Mr. Prebeck was unable to work through the situation with one IRS representative, because they refused to allow him to call them back. Think about it. This made it very frustrating, because he could not determine what exactly was expected of him, and he was trying to do what was right as a citizen. Eventually, Mr. Prebeck, with the help of my staff, determined that he did not have to pay the IRS, despite what he had been told over the phone by the IRS on several occasions. Nonetheless, Mr. Prebeck continued to receive correspondence from the IRS, which had first been mailed to his deceased daughter's address, warning him that the liability remained.

He then requested a letter from the IRS, absolving him of responsibility, to provide him with some peace of mind as a parent—if you can imagine—and some tangible assurance that he would not continue to be harassed by the Internal Revenue Service. They agreed to provide such a letter, but to this day, and this morning, they have yet to do so.

Mr. President, this type of situation that I have just related is not uncommon in America. It is probably not uncommon in the State of the Presiding Officer, Colorado. For every Phillip Prebeck there are hundreds, perhaps thousands of taxpayers, from Alabama, perhaps from your State of Colorado, perhaps from the State of Georgia—every State in the Union, who contact my office or your offices with similar stories. There are more who have had similar problems but do not call.

I find the Internal Revenue Service's actions particularly appalling in light of the agency's inability to manage its own financial affairs. For example, and I know you have heard of this because the GAO did the report, in 1996 the General Accounting Office reported the following regarding the audit performed on the IRS. Again, I am going to repeat, this was an audit on the IRS by the General Accounting Office. The Senator from Georgia understands it and has read it.

No. 1, this was in 1995, the amount of the total revenue was $1.4 trillion, and tax refunds to the people and companies was $122 billion. But it could not be reconciled to accounting records maintained for individuals in the aggregate. There was a discrepancy of $10.4 billion; $10.4 billion—where? In the IRS itself. The amounts reported for various types of taxes collected—that is Social Security, income tax, excise taxes, for example—cannot be substantiated by the Internal Revenue Service itself. The reliability, according to the General Accounting Office, of reported estimates of $113 billion for valid accounts receivable, and $46 billion for collectible accounts, cannot be determined as of this day.

GAO found that the IRS could not document how, and I will use their words, a "significant portion" of their $3 billion nonpayroll operating budget was spent. In other words, the IRS, the Internal Revenue Service, could not document how they spent $3 billion of nonpayroll operating budget. Can you imagine that anywhere in America?

The amounts that the Internal Revenue Service reported as appropriations available for expenditure of operations cannot be reconciled fully with the Treasury's central accounting records showing these amounts, and hundreds of millions of dollars in differences have been identified.

Indeed, the General Accounting Office determined that because of poor IRS financial management, that it could not conduct a reliable audit of the Internal Revenue Service. Think about it. That is appalling. Mr. President, the Internal Revenue Service should have been forced to provide each American with a copy of this report to read it for themselves. The agency cannot account, again, for $10.4 billion in tax revenue and cannot tell you or the American people how they spent $3 billion. But, they can find time to hound a gentleman over his deceased daughter's $900 tax liability that he is not responsible for under the law.

Thankfully, the Senate Finance Committee's hearings have galvanized support for reform of the Internal Revenue Service. But what I encourage my colleagues to keep in mind is that the complexity of the Tax Code has created the environment that has spawned the problems that pervade the Internal Revenue Service. The IRS's governance, financial management and quality control problems and the Internal Revenue Service's inability to serve the taxpayer are symptoms of a much larger problem. To address only these issues without embarking upon a comprehensive effort to replace the Tax Code, I believe, is to treat the symptoms and not the root cause of the problems.

My concern, and it is a concern of a lot of my colleagues in the Senate, is that after possibly implementing the recommendations of the national commission to restructure the IRS, some may conclude that their job is complete, but that would be a fallacy. On the contrary, I view these proposals only as a beginning, and nothing more than a shortrun solution. Earlier this year, I introduced, again, the Freedom and Fairness Restoration Act that proposes to abolish the Tax Code as we know it and replace it with a flat tax.

While some reforms may offer some short-term solutions and relief to taxpayers, they cannot address the larger problems which continue to plague the Internal Revenue Service and the underlying system itself. I believe we must have broad-based reform of the code that provides the public with a simple formula to calculate their taxes without fear of an IRS audit.

Although I believe that the flat tax is the best replacement of the current system, I am not here to trumpet its virtues this morning. I simply want to remind my colleagues today that we must not forsake ever our broader agenda to seek comprehensive tax reform. Piecemeal reforms are not a substitute in any way for broad-based reform and will not solve the problems that pervade the IRS. We owe it to the American people to reform the Internal Revenue Service as we know it. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from Alabama. I think it is particularly noteworthy that he brought to our attention the audit of the IRS itself, which we have all alluded to time and time again, and the badgering of our citizens, but they can't reconcile their own books.

Mr. President, I read a moment ago that the White House's first reaction to all this is it is an overheated exercise and the IRS is really OK.

My hometown paper is often a defender of the White House. I was quite taken by the Atlanta Constitution's response to the hearings with an editorial that led off: "Hey, GOP: Let's End Death Next."

That's supposed to be funny. "Over the years," I will just read part of it, "you come to expect a certain level of hypocrisy in Washington, a certain level of posturing and theatrics that you assume to be the professional standard of the city," says the Atlanta Constitution. "But then every once in a while, the world shifts and you are treated to a performance of breathtaking gall that simply blows you away. There, before your eyes, you see a new standard being set, rendering all prior examples of pandering insignificant by comparison."

In other words, this testimony that I just reread and these hearings were pure hypocrisy and set a new standard of hypocrisy.

I don't think anybody in their right mind could have watched those hearings and not felt some anguish for those who suffered, and welled up support for those who were courageous,

and an understanding that something needed to be done and soon.

Hypocritic pandering? I think not. I think it is a deep-seated problem of public servants who thought they were not accountable and had come to misunderstand, Mr. President, that their job is to serve the American people.

This editorial goes on to say that, obviously, tax collectors are going to be unpopular. In other words, enforcement people are, by nature, going to be unpopular. Are FBI agents unpopular? Are police officers unpopular? No; the Nation is not fearful of fair enforcement; never has been. Are they fearful of unchecked power and intimidation and threats? Yes; all people are wherever they happen to be, including the United States.

Wherever it exists, it should be rooted out. Time and time again, whenever we are called upon to do so, we should make sure that all Government servants are reminded they work for the American people who are a free people, who are dedicated free people by our Constitution. And from the very beginning, the premise was that we will not be intimidated nor threatened, nor made fearful of our own Government.

Mr. President, I am going to conclude with that. I think Senator LEAHY wants to make a remark or two.

I yield whatever time is necessary for Senator LEAHY to make his remarks and then we will move to recess.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Thank you, and I thank my friend from Georgia.

A LANDMINE IS A LANDMINE

Mr. LEAHY. Mr. President, for those who are planning schedules, I do not expect to take long, but I will speak about an issue that I have talked about many times, the issue of landmines, something, I must admit, I think about in waking hours and sometimes in my dreams.

There was an ad in yesterday's Roll Call newspaper. It said:

> There's just one problem with President Clinton's "landmine ban." . . . It doesn't ban landmines.

An ad in the Hill newspaper 2 days ago asked the question:

> Would a landmine by any other name be as deadly?

That may seem like a strange question because the answer is so obvious. Landmines are those tiny hidden explosives that kill and maim randomly. They are strewn by the thousands, by the tens of millions, in over 100 million in over 60 countries.

They do things like what is shown in this photograph. They do it to children in as many foreign countries as there are States in the United States. That was a healthy young child walking down a road. That child in a single instant was maimed, crippled for the rest of his life, if he survives the surgery he will have to undergo. If he survives, he will grow up in a poor country with one arm, one leg and somehow be expected to make a living.

Imagine if something like this was happening in the United States. We would call it terrorism. We would make it a Federal crime. We would do everything possible to stop it. At my own home in Vermont, I can walk through acres of fields and woods, I can do it easily at this time of the year, in the great beauty of the fall foliage. If I was in most of these other countries, I would not dare step off the traveled part of the road.

So there should not be any question about what a landmine is. For hundreds of millions of people around the world, they are a daily, deadly nightmare. Everyday on their way to the fields, or to gather water or in school yards or on roads once safe to travel, innocent people, often children, are blown to bits by these indiscriminate weapons.

A year ago at the United Nations, President Clinton called on the nations of the world to ban antipersonnel landmines. The President said:

> The United States will lead a global effort to eliminate these terrible weapons and stop the enormous loss of human life.

Those were inspiring words. I commend him today for saying them; I commended him at the time.

But today we are confronted with a question we thought had been answered a long time ago: When is a landmine a landmine?

It is relevant today because 2 weeks ago, rather than join 89 other nations, including most of our NATO allies, in agreeing to sign a treaty to ban antipersonnel mines, the White House resorted to doublespeak. Rather than make the hard choice, the right choice, rather than pledge unambiguously to do away with these weapons, they said one thing but then they did another. They said the United States would ban antipersonnel mines, but then in the same breath, they redefined what an antipersonnel landmine is so they wouldn't have to ban them after all.

Mr. President, some people were fooled, but not many. A September 24 article in the Washington Post begins with the same question:

> When is an antipersonnel landmine . . . no longer an antipersonnel landmine?
>
> When the President of the United States says so.

I am told that article upset some people in the Pentagon. I am not surprised. When the Pentagon tried to explain that a weapon that just a few months ago they called an antipersonnel landmine is no longer an antipersonnel landmine today—they said it was yesterday; today they say it is not—it is like watching someone who is caught telling a lie that even he convinced himself was not a lie, and then acting offended at the suggestion he tried to pull a fast one.

A weapon they once called a landmine, now isn't. Why do they say that? So they can say "Look, we banned landmines. Except some of them we renamed so we can still use them." It is Orwellian at best.

The Pentagon thought they could come up with a nifty way to get around a landmine ban that they never wanted. They asked themselves, "How can we be part of a treaty that bans antipersonnel mines, and still keep using them? We'll just call landmines something different. Then you don't really have to ban them, you can just say you are."

If antipersonnel mines are used in the vicinity of an antitank mine, then they miraculously become something different from an antipersonnel landmine even though that is what they were called just a few monts ago. Without changing in any way, shape or form or explosive capability, they suddenly become a submunition, not a landmine.

Thank God, Mr. President, we have banned landmines from our arsenal. Only now we have submunitions. I am waiting for the appropriations bill to come forward to pay to relabel these millions of former landmines. Somebody will have to paint over where it says "landmine" and relabel them as "submunitions." And since submunitions are not banned, presto, the United States can say it is banning landmines even though everyone knows we are not.

Unfortunately, this kind of cynical ploy is seen too often in Washington. That is the problem.

So, Mr. President, I ask unanimous consent that the Washington Post article and a September 19 editorial from the Rutland Daily Herald, a Vermont newspaper that has kept up with the international campaign to ban landmines, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

Mr. LEAHY. I thank the Chair.

Mr. President, there are serious issues here. One, of course, is about pretending a landmine is something else, in a last-minute attempt to avoid being embarrassed by being left out of an international treaty that the United States called for a year ago. It is embarrassing. We urged other nations to negotiate a treaty, and when they did we stayed out of the negotiations until the last minute and then we said we would not sign it.

But another serious question is what to do with certain types of antitank mines that the United States has in its arsenal and that are packaged with antipersonnel mines.

I fully understand how important the Pentagon considers these weapons to our defense. I have spoken with people

in the Pentagon about this. I do not intend to minimize this problem. What I am saying, though, is face the problem, be straight about it, do not play word games.

Because it is just as important that the United States support a landmine ban. If we are not going to be among the 100 nations that sign the treaty in Ottawa this December—and I understand that is the President's decision—then we need to find a way to remove the obstacles that keep us from signing, because I the United States needs to be part of this treaty. If that means redesigning our antitank mines, then that is what we ought to do.

We need to sign the treaty as soon as possible, because as remarkable an accomplishment as it is, without the United States it is never going to achieve the international ban that everyone, including the President, wants. No country has the ability that the United States has to broaden support for the treaty and obtain adherence to it. Nobody can exert the leadership that the world's only superpower can exert. The American people do not want the United States to use a weapon that does not belong in the arsenal of civilized nations. They do not want the United States to be standing in the way of a treaty that will set a new moral standard for the next century. As the most powerful Nation, it is time to put an end to the doublespeak and the excuses and get busy solving the problem.

Mr. President, I said when I spoke in Oslo to the representatives of nations and organizations that were meeting there, I dream of a century, a new century, when armies of humanity dig up, disarm, and destroy landmines and nobody—nobody—puts new landmines down. Think what a century that would be for the children and the children of the children in those countries.

Think what that would mean to the United States when it sends peacekeepers around the world, when it sends humanitarian workers, missionaries, doctors, whatever. Think what it would mean if they did not have to face the constant threat of landmines.

Think what it would mean if we could go into countries that today have to spend their scarce resources to import food because their people cannot go into their fields to plant or to harvest, fields that are death traps because of landmines. There might be only one landmine in a field, but if you do not know where that landmine is, there may as well be a hundred.

Think what it would mean if we could go to countries ravaged by civil war and now reaching toward democracy, to help them rebuild the infrastructure they need and not have to spend money on removing landmines, expending $100 to $1,000 to remove a $3 or $5 landmine.

Think how wonderful it would be if our country did not have to fund, every year now to the tune of $5 million, the Leahy War Victims Fund which pays for artificial limbs—something that is supported, I say with gratitude, by every Member of this Senate, Republican and Democrat. But think if we did not have to do that. Think if we would not have to see children learning to walk on crude prosthetics. Think what a different world it would be.

We have worked to ban nuclear testing. We have worked to ban chemical weapons. Far more civilians have died and been injured and maimed by landmines than by nuclear weapons or chemical weapons.

We can find a way to protect the legitimate defense needs of the United States and to maintain our legitimate obligations around the world whether on the Korean Peninsula or anywhere else. We can do that and still be part of the remarkable global effort to ban landmines.

Mr. President, I have been in many countries where I have gotten out of a car and been told where I should walk, to be careful, that I should step only here, not a foot away. I remember in one country I was about to step off the road and somebody grabbed my arm and yanked me back because there were landmines there.

These are things I remember, and they are a daily terror for people who live there.

Mr. President, let us join together to bring that to an end.

EXHIBIT 1

[From the Washington Post, Sept. 24, 1997]

CLINTON DIRECTIVE ON MINES: NEW FORM, OLD FUNCTION

(By Dana Priest)

When is an antipersonnel land mine—a fist-sized object designed to blow up a human being—no longer an antipersonnel land mine?

When the president of the United States says so.

In announcing last week that the United States would not sign an international treaty to ban antipersonnel land mines, President Clinton also said he had ordered the Pentagon to find technological alternatives to these mines. "This program," he said, "will eliminate all antipersonnel land mines from America's arsenal."

Technically speaking, the president's statement was not quite accurate.

His directive left untouched the millions of little devices the Army and Defense Department for years have been calling antipersonnel land mines. These mines are used to protect antitank mines, which are much larger devices meant to disable enemy tanks and other heavy vehicles.

The smaller "protectors" are shot out of tanks or dropped from jets and helicopters. When they land, they shoot out threads that attach themselves to the ground with tiny hooks, creating cobweb-like tripwires. Should an enemy soldier try to get close to the antitank mine, chances are he would trip a wire, and either fragments would explode at ground level or a handball-sized grenade would pop up from the antipersonnel mine to about belly height. In less than a second, the grenade would explode, throwing its tiny metal balls into the soldier's flesh and bones.

In the trade, these "mixed" systems have names such as Gator, Volcano, MOPMS and Area Denial Artillery Munition, or ADAM.

These mines, Clinton's senior policy director for defense policy and arms control, Robert Bell, explained later, "are not being banned under the president's directive because they are not antipersonnel land mines." They are, he said "antihandling devices," "little kinds of explosive devices" or, simply, "munitions."

Not according to the Defense Department, which has used them for years.

When the Pentagon listed the antipersonnel land mines it was no longer allowed to export under a 1992 congressionally imposed ban, these types were on the list.

And when Clinton announced in January that he would cap the U.S. stockpile of antipersonnel land mines in the inventory, they were on that list too.

At the time, there were a total of 1 million Gators, Volcanos and MOPMs, as well as 9 million ADAMs. (Only some ADAMs are used in conjunction with antitank mines, and those particular devices are no longer considered antipersonnel land mines.)

The unclassified Joint Chiefs of Staff briefing charts used to explain the impact of legislation to Congress this year explicitly state that Gators, Volcanos, MOPMS and ADAMs are antipersonnel land mines.

So does a June 19 Army information paper titled "U.S. Self-Destructing Anti-Personnel Landmine Use." So does a fact sheet issued in 1985 by the Army Armament, Munition and Chemical Command.

As does a recent Army "Information Tab," which explains that the Gator is "packed with a mix of 'smart' AP [antipersonnel] and 'smart' AT (antitank] mines."

And when Air Force Gen. Joseph W. Ralston, vice chairman of the Joint Chiefs of Staff, briefed reporters at the White House on May 16, 1996, he said: "Our analysis shows that the greatest benefit of antipersonnel land mines is when they are used in conjunction with antitank land mines. . . . If you don't cover the antitank mine field with antipersonnel mines, it's very easy for the enemy to go through the mine field."

A diplomatic dispute over the types of antipersonnel land mines Ralston was describing then and arms control adviser Bell sought to redefine last week was one of the main reasons the United States decided last week not to sign the international treaty being crafted in Oslo, Norway.

U.S. negotiators argued that because these mines are programmed to eventually self-destruct, they are not responsible for the humanitarian crisis—long-forgotten mines injuring and killing civilians—that treaty supporters hoped to cure with a ban, and therefore should be exempt from the ban.

Also, because other countries had gotten an exemption for the type of antihandling devices they use to prevent soldiers from picking up antitank mines—U.S. negotiators contended that the United States should get an exemption for the small mines it uses for the same purpose.

Negotiators in Oslo did not accept Washington's stance. They worried that other countries might seek to exempt the types of antipersonnel mines they wanted to use, too, and the whole treaty would soon become meaningless.

The administration was not trying to deceive the public, Bell said in an interview yesterday, bristling at the suggestion. Given the fact that the U.S. devices are used to protect antitank mines, "it seems entirely common-sensical to us" to call them antihandling devices.

Said Bell: "This was not a case of us trying to take mines and then define the problem away."

EXHIBIT 2

[From the Rutland Daily Herald, Sept. 19, 1997]

CLINTON'S STUMBLE

Sen. Patrick Leahy is charitable to President Clinton in his statement, printed below, about the treaty negotiated this week in Oslo, Norway, banning anti-personnel land mines.

Leahy says he is convinced Clinton wants to see land mines eliminated and that Clinton's commitment is real.

But his statement also contains a damning account of Clinton's pusillanimous surrender to the Pentagon and his incompetent, eleventh-hour effort to negotiate a compromise. Leahy, a champion of the international effort to ban land mines, covers up his scorn for Clinton's effort with the barest fig leaf of decorum.

The land mine negotiations are an excellent lesson in why the U.S. Constitution ensures that control of the military remains in civilian hands. In a democracy, the U.S. military is an instrument of the people, not a separate warrior caste. Thus, it is up to the civilian government to institute the humanitarian standards and the political boundaries that reflect the people's values. Clinton chickened out.

Clinton used Korea as an excuse, but in doing so he failed to make the necessary calculation; the marginal difficulty of reconfiguring our defenses in Korea weighed against the daily carnage the land mine treaty is designed to prevent.

About 100 nations have signed on to the treaty, which forbids them to use, produce, acquire, store or transfer anti-personnel land mines. They have also agreed to destroy current stocks and to remove any mines they have in place. Further, they have agreed to assist in the care of land mine victims.

The treaty represents an extraordinary response, outside the usual bureaucratic channels of the United Nations, by the governments of the world to a popular demand for change.

U.S. participation is necessary, however, if the ban is to become a true worldwide ban. That's because there is no chance those nations who have not signed will join the ban until the United States does. These include China, Russia, India, Pakistan and Israel, all of which could continue to serve as sources for land mines for terrorist organizations.

Thus, Leahy is holding to his goal of making the United States a signatory of the treaty. A bill of his that has 60 co-sponsors would have established a ban on use of land mines by the United States in 2000. The prospect that that bill might pass goaded the Clinton administration into joining the Oslo talks in the first place.

Now Leahy plans to consult with participants in the Oslo talks, including the Canadians who have led the treaty movement, plus Clinton and members of Congress, to determine how best to move the United States toward signing the treaty. Pushing the Leahy-Hagel bill, which includes an exception for Korea under some circumstances, is one option.

It is clear Clinton needs to be reminded he was elected by the people, not by the Pentagon, and that the people believe progress in ending use of this barbaric weapon is important. Leahy scoffs at the notion that the most powerful nation in the world requires this primitive weapon to protect itself. The message to policymakers in Washington must be that it is shameful the United States has failed to join a worldwide effort to make the world a safer and more civilized place.

Mr. LEAHY. Mr. President, I see my distinguished friend from Georgia back on the floor. So I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BIPARTISAN CAMPAIGN REFORM ACT OF 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now resume consideration of S. 25, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 25) to reform the financing of Federal elections.

The Senate resumed consideration of the bill.

Pending:

Lott amendment No. 1258, to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1259 (to amendment No. 1258), in the nature of a substitute.

Lott amendment No. 1260 (to amendment No. 1258), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No 1261, in the nature of a substitute.

Lott amendment No. 1262 (to amendment No. 1261), to guarantee that contributions to Federal political campaigns are voluntary.

Motion to recommit the bill to the Committee on Rules and Administration with instructions to report back forthwith, with an amendment.

Lott amendment No. 1263 (to instructions of motion to recommit), to guarantee that contributions to Federal political campaigns are voluntary.

Lott amendment No. 1264 (to amendment No. 1263), in the nature of a substitute.

Lott amendment No. 1265 (to amendment No. 1264), to guarantee that contributions to Federal political campaigns are voluntary.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a cloture motion to the desk on the pending Lott amendment No. 1258 and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending amendment No. 1258 to Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Don Nickles, Jon Kyl, Slade Gorton, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, Rick Santorum, R. F. Bennett, Bob Smith.

The PRESIDING OFFICER. The Senator from Georgia.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I now send a cloture motion to the desk to the bill S. 25.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 183, S. 25, the campaign finance reform bill:

Trent Lott, Rick Santorum, Jon Kyl, Don Nickles, Mitch McConnell, Connie Mack, Larry E. Craig, Strom Thurmond, Gordon H. Smith, Kay Bailey Hutchison, Jesse Helms, Christopher S. Bond, Thad Cochran, R. F. Bennett, Bob Smith, Ted Stevens.

Mr. COVERDELL. Mr. President, for the information of all Senators, we now have two cloture motions pending to the campaign finance reform bill. I anticipate the first cloture vote, that being a vote to limit debate on the amendment referred to as the Paycheck Protection Act to occur after lunch on Tuesday October 7. If cloture is not invoked on the paycheck protection amendment, then the Senate would immediately proceed to a cloture vote on the campaign finance reform bill.

I ask unanimous consent the mandatory quorum under rule XXII be waived and the cloture votes occur at 2:15 on Tuesday, October 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate now resume the D.C. appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 1156) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1998, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Coats modified amendment No. 1249, to provide scholarship assistance for District of Columbia elementary and secondary school students.

Graham-Mack-Kennedy amendment No. 1252, to provide relief to certain aliens who would otherwise be subject to removal from the United States.

Mack-Graham-Kennedy modified amendment No. 1253 (to amendment No. 1252), in the nature of a substitute.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Mack second-degree amendment No. 1253 to Calendar No. 155, S. 1156, the District of Columbia appropriations bill:

Connie Mack, Mike DeWine, Barbara Boxer, Bob Graham, Conrad Burns, Wayne Allard, Paul Coverdell, James M. Inhofe, John H. Chafee, Richard G. Lugar, Ted Stevens, Larry E. Craig, James M. Jeffords, Gordon Smith, R.F. Bennett, D. Nickles.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived and the cloture vote occur at a time to be determined by the majority leader after notification of the Democratic leader but not before 4 o'clock p.m. on Tuesday October 7.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. I ask unanimous consent there be a period for morning business with Senators to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MICHAEL GUTOWSKI

Mr. JEFFORDS. Mr. President, I want to take a moment to remark on the passing of a valued friend of the U.S. Senate, Michael Gutowski, a specialist in private health insurance issues at the General Accounting Office. Michael died suddenly and unexpectedly on September 23 at the age of 53. He was stricken during a meeting with Labor Department officials while gathering information for a report on the implementation of the Health Insurance Portability and Accountability Act that I requested.

Over the past 10 years, Michael directed a remarkable series of studies, almost 50 in all. Many focused on gaps in private health insurance coverage, gaps that make affordable coverage under reasonable terms unavailable to many groups and individuals. Michael's reports were remarkable in a number of ways. First, they succeeded in keeping the Congress up-to-date on the evolution of the private health insurance market. Second, the reports, while based on thorough and often innovative data collection techniques, were not just a tabulation of statistics. Michael had a remarkable gift for weaving data into a clear and articulate story, one that was immediately comprehensible and compelling.

During my tenure as chairman, the reports, testimony, and briefings Michael developed for the Labor and Human Resources Committee have consistently informed our deliberations on health care policy. We have benefited from the research he led regarding employer strategies in purchasing health insurance, children's health insurance, the role of the Employee Retirement Income Security Act and State insurance regulation, and the implementation of the Health Insurance Portability and Accountability Act of 1996. In all these areas, he drew on his wide knowledge of the real world insurance marketplace. I know that his contribution to other congressional committees and Members on a diverse range of housing, health policy, economic, and workers compensation issues both at GAO and the Congressional Budget Office have been equally valued. In 1995, Michael received the Assistant Comptroller General's award for studies related to health care reform.

Michael was an economist by training but a humanitarian by heart, warn and generous with an unquenchable sense of humor. Michael was very devoted to his wife Lois, and his children Laura and David. In extending condolences to his family, I want them and his colleagues at the General Accounting Office to know that we, too, in the Senate will miss him.

Mr. President, I ask unanimous consent that a list of GAO reports by Michael Gutowski be placed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

REPORTS DIRECTED BY MICHAEL GUTOWSKI

Private Health Insurance: Continued Erosion of Coverage Linked to Cost Pressures (July 1997).

Retiree Health Insurance: Erosion in Employer-Based Health Benefits for Early Retirees (July 1997).

Health Insurance: Management Strategies Used by Large Employers to Control Costs (May 1997).

Medicare HMO Enrollment: Area Differences Affected by Factors Other Than Payment Rates (May 1997).

Uninsured Children: Estimates of Citizenship and Immigration Status, 1995 (May 1997).

Employment-Based Health Insurance: Costs Increase and Family Coverage Decreases (Feb. 1997).

Children's Health Insurance, 1995 (Feb. 1997).

Children's Health Insurance Programs, 1996 (Dec. 1996).

Private Health Insurance: Millions Relying on Individual Market Face Cost and Coverage Trade-Offs (Nov. 1996).

Health Insurance Regulation: Varying State Requirements Affect Cost of Insurance (Aug. 1996).

Medicaid and Uninsured Children, 1994 (July 1996).

Health Insurance for Children: Private Insurance Coverage Continues to Deteriorate (June 1996).

Medicare HMOs: Rapid Enrollment Growth Concentrated in Selected States (Jan. 1996).

Medicaid Section 1115 Waivers: Flexible Approach to Approving Demonstrations Could Increase Federal Costs (Nov. 1995).

Health Insurance Portability: Reform Could Ensure Continued Coverage for up to 25 Million Americans (Sept. 1995).

Employer-Based Health Plans: Issues, Trends, and Challenges Posed by ERISA (July 1995).

Health Insurance Regulation: Variation in Recent State Small Employer Health Insurance Reforms (June 1995).

German Health Reforms: Changes Result in Lower Health Costs in 1993 (Dec. 1994).

Medicaid Long-Term Care: Successful State Efforts to Expand Services While Limiting Costs (Aug. 1994).

Access to Health Insurance: Public and Private Employers' Experience with Purchasing Cooperatives (May 1994).

Health Care Alliances: Issues Relating to Geographic Boundaries (April 1994).

Health Insurance: California Public Employees' Alliance Has Reduced Recent Premium Growth (Nov. 1993).

Managed Health Care: Effect on Employers' Costs Difficult to Measure (Oct. 1993).

German Health Reforms: New Cost Control Initiatives (July 1993).

Medicaid Estate Planning (July 1993).

Health Care: Rochester's Community Approach Yields Better Access, Lower Costs (Jan. 1993).

Emergency Departments: Unevenly Affected by Growth and Change in Patient Use (Jan. 1993).

Employer-Based Health Insurance: High Costs, Wide Variation Threaten System (Sept. 1992).

Access to Health Care: States Respond to Growing Crisis (June 1992).

Access to Health Insurance: State Efforts to Assist Small Businesses (May 1992).

Canadian Health Insurance: Estimating Costs and Savings for the United States (Apr. 1992).

Health Care Spending: Nonpolicy Factors Account for Most of State Differences (Feb. 1992).

Health Insurance: Problems Caused by a Segmented Market (July 1991).

Long-Term Care: Projected Needs of the Aging Baby Boom Generation (June 1991).

Canadian Health Insurance: Lessons for the United States (June 1991).

AIDS-Prevention Programs: High-Risk Groups Still Prove Hard to Reach (May 1991).

Trauma Care: Lifesaving System Threatened by Unreimbursed Costs and Other Factors (May 1991).

Health Insurance Coverage: A Profile of the Uninsured in Selected States (Feb. 1991).

Budget Issues: Effects of the Fiscal Year 1990 Sequester on the Department of Health and Human Services (Aug. 1990).

Health Insurance: Cost Increases Lead to Coverage Limitations and Cost Shifting (May 1990).

Health Insurance: A Profile of the Uninsured in Michigan and the United States (May 1990).

AIDS Education: Public School Programs Require More Student Information and Teacher Training (May 1990).

AIDS Education: Programs for Out-of-School Youth Slowly Evolving (May 1990).

In-Home Services for the Elderly: Cost Sharing Expands Range of Services Provided and Population Served (Oct. 1989).

U.S. Employees Health Benefits: Rebate for Duplicate Medicare Coverage (March 1989).

HONORING THE BENDERS ON THEIR 70TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Margaret and Ralph Bender of Garden Grove, CA, who on October 11, 1997, will celebrate their 70th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Benders' commitment to the principles and values of their marriage deserves to be saluted and recognized.

HONORING THE SHEAS ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Mr. President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of "till death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Betty and Bob Shea of St. Louis, MO, who on November 30, 1997, will celebrate their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Sheas' commitment to the principles and values of their marriage deserves to be saluted and recognized.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting withdrawals and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on October 3, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that Speaker has signed the following enrolled bills:

H.R. 394. An act to provide for the release of the reversionary interest held by the United States in certain property located in the County of Iosco, Michigan.

H.R. 1948. An act to provide for the exchange of lands within Admiralty Island National Monument, and for other purposes.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on October 2, 1997 he had presented to the President of the United States, the following enrolled bills:

S. 996. An act to provide for the authorization of appropriations in each fiscal year for arbitration in United States district courts, and for other purposes.

S. 1198. An act to amend the Immigration and Nationality Act to extend the special immigrant religious worker program, to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to extend the dealine for designation of an effective date for paperwork changes in the employer sanctions program, and to require the Secretary of State to waive or reduct the fee for application and issuance of a nonimmigrant visa for aliens coming to the United States for certain charitable purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. MURRAY:

S. 1248. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Summer Breeze*; to the Committee on Commerce, Science, and Transportation.

By Mr. HAGEL (for himself and Mr. REED):

S. 1249. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. BURNS, and Mr. STEVENS):

S. 1250. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. D'AMATO (for himself and Mr. BREAUX):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation; to the Committee on Finance.

By Mr. D'AMATO (for himself and Mr. GRAHAM):

S. 1252. A bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation; to the Committee on Finance.

By Mr. CRAIG:

S. 1253. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the federal lands in accordance with the principles of multiple use and sustained yield, and for other purposes; to the Committee on Energy and Natural Resources.

S. 1254. A bill entitled the "Federal Lands Management Adjustment Act."; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself and Mr. REED):

S. 1249. A bill to allow depository institutions to offer negotiable order of withdrawal accounts to all businesses, to repeal the prohibition on the payment of interest on demand deposits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE SMALL BUSINESS BANKING ACT OF 1997

Mr. HAGEL. Mr. President, I rise today to introduce the Small Business Banking Act of 1997. I'm joined in this effort by my distinguished colleague Senator REED of Rhode Island, who is the principal cosponsor of this important legislation.

Passage of this bill will remove one of the last vestiges of the obsolete interest rate control system. Abolishing the statutory requirement that prohibits incorporated businesses from owning interest bearing checking accounts will provide America's small business owners, farmers, and farm cooperatives with a funds management tool that is long overdue.

Passage of this bill will ensure America's entrepreneurs can compete effectively with larger businesses. My experience as a businessman has shown me, firsthand, that it's extemely important for anyone trying to maximize profits to be able to invest funds wisely for maximum efficiencies.

During President Ronald Reagan's first term, one of his early actions was to abolish many provisions of the antiquated interest rate control system the

banking system was required to use. With this change to the laws, Americans were finally able to earn interest on their checking accounts deposited in banks. Unfortunately, one aspect of the old system left untouched by the change in law was not allowing America's businesses to share in the good fortune.

Complicating matters is the growing impact of nonbanking institutions that offer deposit-like money accounts to individuals and corporations alike. Large brokerage firms have long offered interest on deposit accounts they maintain for their customers.

While I support business innovation, I don't believe it's fair when any business gains a competitive edge over another due to government interference through overregulation. This is exactly the case we have with banking laws that stifle bankers, especially America's small community bankers, and give an edge to another segment of the financial community. The Small Business Banking Act of 1997 seeks to correct this imbalance and allow community banks to compete fairly with brokerage firms.

I'm pleased to say our bill has the strong support of America's Community Bankers and the American Farm Bureau Federation. In my home State of Nebraska, this bill has the support of the Nebraska Bankers Association and the Independent Bankers Association. These important organizations represent a crosscurrent of the type of support Senator REED and I have for our bill. Senator REED and I also have the support of the Federal regulators. In their 1996 Joint Report, "Streamlining of Regulatory Requirements", the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision, stated they believe the statutory prohibition against payment of interest on business checking accounts no longer serves a public purpose. I heartily agree.

Mr. President, this is a straightforward bill that will do away with an unnecessary regulation that burdens American business. I urge my colleagues to support it.

Mr. REED. Mr. President, I am pleased to join my colleague Senator HAGEL in introducing the Small Business Banking Act of 1997, legislation that eliminates a Depression-era Federal law prohibiting banks from paying interest on commercial checking accounts. This legislation represents an important victory for small business and the banking industry because it eliminates a costly and burdensome Federal prohibition that has outlived its usefulness.

The prohibition against the payment of interest on commercial accounts was originally part of a broad prohibition on the payment of interest on any deposit account. At the time of enactment, it was the popular view that payment of interest on deposits created an incentive for rural banks to shift deposits of excess funds to urban money center banks that made loans that fueled speculation. Moreover, it was believed that such transfers created liquidity crises in rural communities. However, a number of changes in the banking system since enactment of the prohibition have called into question its usefulness.

First, with the passage of the Depository Institutions Deregulatory and Monetary Control Act of 1980, Congress allowed financial institutions to offer interest-bearing accounts to individuals—a change which has not adversely affected safety and soundness. Second, a number of banks have developed complex mechanisms called sweep accounts to circumvent the interest rate prohibition. Because of the costs associated with developing sweep accounts, however, large banks have become the primary offerors of these accounts. As a result, many smaller banks are at a competitive disadvantage with larger banks that can offer their commercial depositors interest-bearing accounts. Most important, the vast majority of small businesses cannot afford to utilize sweep accounts because the cost of opening these accounts is relatively high and most small businesses do not have a large enough deposit base to justify these costs.

In light of these developments, it has become clear that the prohibition on interest-bearing commercial accounts is nothing more than a relic of the Depression era that has effectively disadvantaged small businesses and small banks, and led large banks to dedicate significant resources to circumventing the prohibition. I am, therefore, pleased to cosponsor this legislation that will eliminate this prohibition and level the playing field for small banks and small business.

By Mr. FRIST (for himself, Mr. ROCKEFELLER, Mr. BURNS, and Mr. STEVENS):

S. 1250. A bill to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION FISCAL YEARS 1998 AND 1999 AUTHORIZATION ACT

Mr. FRIST. Mr. President, I rise to introduce the authorization bill for the National Aeronautics and Space Administration for fiscal years 1998 and 1999. I would like to thank the cosponsors of this bill, Senator ROCKEFELLER, Senator BURNS, and Senator STEVENS, as well as others who support this bill, for their hard work and dedication to making this bill a possibility.

NASA's unique mission of exploration, discovery, and innovation has preserved the U.S. role as both a leader in world aviation and as the preeminent spacefaring nation. It is NASA's mission to: Explore, use and enable the development of space for human enterprise; advance scientific knowledge and understanding of the Earth, the Solar System, and the Universe and use the environment of space for research; and research develop, verify and transfer advanced aeronautics, space and related technologies.

This bill, which authorizes NASA for $13.6 billion in fiscal year 1998 and $13.8 billion in fiscal year 1999, provides for the continued development of the international space station, space shuttle operations and safety and performance upgrades, space science, life and micro gravity sciences and applications, the Mission to Planet Earth Program, aeronautics and space transportation technology, mission communications, academic programs, mission support, and the office of the inspector general.

With this authorization the committee puts in place a sound plan under which NASA can provide assurances to the Congress that the cost and schedule difficulties of the international space station have been contained. In addition, the bill has been crafted to protect to the maximum extent possible the balance between manned and unmanned flight as well as the balance between development activities and science.

Therefore, I, along with my cosponsors urge the Members of this body to support this bill and allow NASA to continue its mission of support for all space flight, for technological progress in aeronautics, and for space science.

Mr. BURNS. Mr. President, I am proud to be a cosponsor of the NASA authorization bill for fiscal years 1998 and 1999, introduced by Senator FRIST, chairman of the Subcommittee on Science, Technology, and Space and Senator ROCKEFELLER, the ranking minority member. I would like to take this opportunity to thank both Senator FRIST and Senator ROCKEFELLER for helping to craft a bipartisan bill which balances the goals and missions of our space agency within fiscal responsibility.

This bill authorizes the full $1.4 billion requested by NASA for Mission to Planet Earth. As many of you know, I'm a strong supporter of this program because it is about using satellite technology to help average citizens in their everyday activities. The goal of this program is to provide farmers, land planners, foresters, scientists and others with cost-effective tools to help them do their work. This program provides the scientific foundation for weather forecasting on a year-to-year basis, land-use management, and to

protect people, property, and the environment from natural disasters. To accomplish this goal, Mission to Planet Earth supports scientists in Montana and in other U.S. States, to carry out the experiments necessary to expand our frontier of understanding Earth.

This bill also provides authorization for $10 million for the Experimental Program to Stimulate Competitive Research [EPSCoR] Program. This funding will allow NASA to carry out a new competition to help NASA develop a stronger presence in the vital academic research programs in institutions in rural States like Montana.

Finally, I would like to note that the bill contains a new provision, section 317, which provides insurance, indemnification and liability for coverage for the X–33 and X–34 experimental aerospace vehicle tests. It draws upon provisions in the Space Act as well as the commercial Space Launch Act to provide the necessary coverage to continue innovative research and technology development in aerospace. It also provides the infrastructure needed to allow NASA to work with industry to meet the challenges of the 21st century. The X–33 program partners NASA with industry to develop a single-stage-to-orbit reusable launch vehicle. The goal is to decrease the cost of getting to space while making it safer and more accessible. I'm proud that Montana is part of this program. Malmstrom Air Force Base near Great Falls has been selected as one of the preferred landing sites for the X–33 prototype. Landing at Malmstrom will be the longest flight for this 136-ton wedge-shaped prototype. Knowledge from these tests will be used to create the next generation launch vehicle.

I believe that we have a bill that provides NASA with the funding authorization and policy direction it will need to maintain our world leadership in space and aeronautics.

By Mr. D'AMATO (for himself and Mr. BREAUX):

S. 1251. A bill to amend the Internal Revenue Code of 1986 to increase the amount of private activity bonds which may be issued in each State, and to index such amount for inflation; to the Committee on Finance.

PRIVATE ACTIVITY BONDS LEGISLATION

Mr. D'AMATO. Mr. President, I rise today with my friend and colleague, Senator BREAUX, to introduce long overdue legislation to increase the private activity tax-exempt bond cap to $75 per capita or $250 million, if greater, and index the cap to inflation. The current cap, which has not been adjusted in over a decade—not even to account for inflation—is severely restricting the ability of States and localities to meet pressing housing, economic development, and other needed investments in their citizens and communities.

This cap, imposed in 1986, is now $50 per capita or $150 million, if greater. It applies to issuers of tax-exempt bonds for affordable single and multifamily housing, redevelopment of blighted areas, student loans, manufacturing, municipal service, and hazardous waste disposal facilities.

Cap growth is limited to State population increases, but not inflation. As a result, inflation has severely eroded capped bonds' purchasing power. The 1987 bond cap, adjusted for the current limit, would have been $14.3 billion. Ten years later, the 1997 cap is $15 billion a mere 5-percent increase—due to population—over a period of far greater inflation.

Mr. President, Congress never intended to restrict the growth of this program. In fact, Congress never intended the cap to shrink at all. It allowed the cap to grow with State populations and imposed the cap in the same legislation, the 1986 Tax Reform Act, which terminated by 1989 the two heaviest cap users: mortgage revenue bonds [MRB's] for housing, and industrial revenue bonds [IDB's] for manufacturing. That left plenty of room for the remaining capped bonds. Congress then extended MRB's and IDB's several times past the 1989 expiration dates and finally made them permanent in 1993.

What Congress did not do at that time was adjust the cap to accommodate these additional uses. Accordingly, demand for capped bonds now exceeds supply in most States. One example is the overwhelming demand in many States for MRB's, issued primarily by State Housing Finance Agencies [HFA's] to finance modestly-priced first-time homes for lower income families. In 1996, State HFA's issued almost $8 billion in MRB's for nearly 100,000 mortgages, according to the National Council of State Housing Agencies [HCSHA].

Since January 1, 1995, the State of New York Mortgage Agency [SONYMA] has financed more than 1 billion dollars' worth of affordable first-time home mortgage loans with MRB's. SONYMA's Construction Incentive Program has allocated $250 million in MRB funding which will create 2,400 new homes and 6,000 full-time jobs in New York.

The State of New York also relies heavily on tax-exempt bond authority for multifamily housing. In 1997 alone, the New York State Housing Finance Agency expects to finance $420 million worth of multifamily mortgage loans with multifamily housing bonds. This investment will create, 2,150 new, privately owned and managed apartments, 430 of which will be affordable to low-income families. In addition to providing desperately needed housing, this investment will promote economic integration in many neighborhoods.

Unfortunately, home ownership and a decent apartment remain out of reach for thousands more families whom the MRB and multifamily housing bond programs could serve better than any other. State HFA's could have used an estimated additional $2.4 billion in bond cap authority in 1996, according to NCSHA. SONYMA could have used another $100 million last year.

The private activity volume cap also includes tax-exempt bond authority to assist small and midsized companies finance the expansion of manufacturing facilities. These companies often do not have reasonable access to the capital markets and cannot easily finance construction of manufacturing facilities. I used these bonds in my capacity as town supervisor of Hempstead to allow existing businesses to grow and to attract new business. Without this financing, these companies, and their employees, would not be in New York State. Nationwide, over $2.612 billion of tax-exempt manufacturing bonds were issued in 1996. In 1996 alone, New York State issues over $96 million of tax-exempt bonds for manufacturing facilities. The Council of Development Finance Agencies reported that bond issuance increased 32 percent in 1996 from the prior year. In New York, demand for this low-cost financing greatly exceeded the almost $100 million of bonds issued. The Empire State Development Corp., a public agency, reported that demand for tax-exempt bonds to support manufacturing was about 30 percent higher than the over $96 million of bonds actually issued in 1996.

Over the years, these bonds created literally thousands of construction and permanent jobs in my home State, and tens of thousands nationwide. It is critical to raise the bond cap to facilitate job creation by small and midsized manufacturing companies. In many cases, these companies cannot obtain reasonable financing to expand, but for tax-exempt financing.

Mr. President, nationwide, demand for all bonds under the cap outstripped supply by almost $7 billion last year, according to NCHSA. New York alone faced unmet demand of more than $1 billion for all the investments strangled by the cap.

The Nation's Governors have adopted a policy calling for a cap increase. The Nation's State treasurers, National Association of Counties, and Association of Local Housing Financing Agencies [ALHFA] also support raising the cap.

One-third of the House Ways and Means Committee and nearly 100 House Members overall already have cosponsored companion legislation—H.R. 979—to increase the bond cap $75 per capita or $250 million, if greater, and index the cap to inflation.

The current cap is severely restricting the ability of States and localities from making much-needed investments in their citizens and communities. I urge my colleagues to join Senator

BREAUX and me in a bipartisan effort to increase the bond cap.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN STATE CEILING ON PRIVATE ACTIVITY BONDS.

(a) REPEAL OF POST-1987 REDUCTION.—Subsection (d) of section 146 of the Internal Revenue Code of 1986 (relating to State ceiling) is amended by striking paragraph (2).

(b) ADJUSTMENT OF STATE CEILING FOR INCREASES IN COST-OF-LIVING.—Subsection (d) of section 146 of such Code is amended by inserting after paragraph (1) the following new paragraph:

"(2) COST-OF-LIVING ADJUSTMENT.—

"(A) IN GENERAL.—In the case of a calendar year after 1998, each of the dollar amounts contained in paragraph (1) shall be increased by an amount equal to—

"(i) such dollar amount, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 1997' for 'calendar year 1992' in subparagraph (B) thereof.

"(B) ROUNDING.—If any increase under subparagraph (A) is not a multiple of the applicable dollar amount, such increase shall be rounded to the nearest applicable dollar amount. For purposes of the preceding sentence, the applicable dollar amount is—

"(i) $1 in the case of an adjustment of the $75 amount in paragraph (1)(A), and

"(ii) $5 in the case of an adjustment of the $250 amount in paragraph (1)(B)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years after 1997.

Mr. BREAUX. Mr. President, I am pleased to introduce today with my colleague, Senator D'AMATO, an important bill that will assist States and localities in working with private industry to foster economic development and provide home ownership opportunities to low-income Americans. Specifically, our bill will increase the private activity tax-exempt bond cap to $75 per capita or $250 million, if greater, and index the cap to inflation. Congress created the private activity-exempt bond decades ago to apply to mortgage revenue bonds and other bonds for multifamily housing, redevelopment of blighted areas, student loans, manufacturing, and hazardous waste disposal facilities. However, Congress unintentionally restricted the growth of this program by imposing a cap on the bond volume of $50 per capita or $150 million, if greater, which has meant States cannot meet the demand for these bonds.

Tax-exempt bonds are issued by State and local governments to provide below market interest rates to fund authorized programs and projects. Revenue bond investors accept lower interest from these bonds because the interest income is tax-exempt. Mortgage revenue bonds are issued to help lower income working families buy their first homes with low interest loans from private investment in State and local bonds, significantly lowering the cost of owning a home.

In my own State, the Louisiana Housing Finance Agency has issued over $1.1 billion in mortgage revenue bonds for almost 16,000 affordable home mortgages since the program began. In 1996 alone, the agency issued over $112 million in mortgage revenue bonds for nearly 1,200 home loans. That's 1,200 Louisiana families who now know the pride of owning their own home—Louisiana families that earned, on average, less than $28,000 last year. The Louisiana Housing Finance Agency estimates that it alone could have used another $50 million in bond authority. Nationwide, States could have used an additional $7 billion in bond cap for mortgage revenue bonds, student loan bonds, industrial revenue bonds, pollution control bonds, and other worthy investments.

Student loan bonds are issued to raise a pool of money at tax-exempt interest rates to fund college loans at lesser interest rates. In my State, the Louisiana Public Facilities Authority has issued $745 million in student loan bonds since 1984. These bonds have funded over 80,000 college loans for deserving Louisiana students—students who otherwise might not have been able to afford to attend college.

In Louisiana, the roughly $40 million of remaining 1997 volume cap will not come close to fulfilling the $330 million of demand for these bonds. The total 1997 volume cap for Louisiana was $217,500,000. After funding minimal housing and student loan needs, little volume cap remains available for industrial development bonds for manufacturing purposes. Many of the industrial and manufacturing facilities create substantial employment opportunities that are not possible due in part to a deficiency in volume cap.

Our bill will correct this woeful situation and improve the ability of States and localities to provide home ownership opportunities to low-income families throughout the United States, to help fund student loans for college students and to help finance industrial and manufacturing facilities. These facilities will, in turn, increase employment and the tax base of local governments. I urge my colleagues to join me and Senator D'AMATO in this effort.

By Mr. D'AMATO (for himself and Mr. GRAHAM):

S. 1252. A bill to amend the Internal Revenue Code of 1986 to increase the amount of low-income housing credits which may be allocated in each State, and to index such amount for inflation; to the Committee on Finance.

THE LOW-INCOME HOUSING TAX CREDIT CAP ACT OF 1997

Mr. D'AMATO. Mr. President, I rise today with my friend and colleague, Senator GRAHAM of Florida, to introduce long overdue legislation to increase the cap on State authority to allocate low-income housing tax credits—housing credits—to $1.75 per capita, and to index the cap to inflation. The current cap of $1.25 per capita has not been adjusted—not even to account for inflation—since the program was created over a decade ago. This cap is strangling a State's capacity to meet pressing low-income housing needs.

Annual cap growth is limited to the increase in State population, which has only been 5 percent nationwide over the past decade. During the same time period, inflation has eroded the housing credit's purchasing power by approximately 45 percent, as measured by the Consumer Price Index.

Mr. President, as you may know, housing credits are the primary Federal-State tool for producing affordable rental housing across the country. Since 1987, State agencies have allocated more than $3 billion in housing credits to help finance nearly 900,000 apartments for low-income families, including 75,000 apartments in 1996. In my own State of New York, the credit is responsible for helping finance 44,000 apartments for low-income New Yorkers, including 4,450 apartments in 1996.

Earlier this year, the General Accounting Office issued a comprehensive report giving the housing credit a clean bill of health. That report documents that the program in fact exceeds a number of important congressional objectives. For example, though the law allows housing credit apartment renters to earn up to 60 percent of the area median income, GAO documented the average tenant's income at just 37 percent, and found that more than three out of four renters have incomes under 50 percent of the area median income. GAO also found that rents in housing credit apartments are well below market rents, up to 23 percent less than the maximum permitted, and 25 percent below HUD's national fair market rent.

The GAO report also documents that States are giving preference to apartments serving low-income tenants longer than the 15 years the law requires. In fact, two-thirds of the apartments GAO studied were set aside for low-income use for 30 years or more.

A second major assessment of the credit has been objectively completed by Ernst & Young, reiterating many of the positive findings of the GAO report, demonstrating a tremendous need for additional affordable housing, and documenting the devastating effect of the current cap on States' ability to finance this critically needed housing.

Despite the success of the housing credit in meeting affordable rental housing needs, the apartments it helps finance can barely keep pace with the nearly 100,000 low cost apartments which are demolished, abandoned, or converted to market rate use each

year. Increasing the housing credit cap, as Senator GRAHAM and I propose, would allow States to finance approximately 25,000 more critically needed low-income apartments each year.

Nationwide, demand for housing credits outstrips supply by more than 3 to 1. In 1996, States received applications requesting more than $1.2 billion in housing credits—far surpassing the $365 million in credit authority available to allocate that year.

In New York, the New York Division of Housing and Community Renewal received applications requesting more than $104 million in housing credits in 1996—nearly four times the $29 million in credit authority it already had available. When I think of the immense need for affordable housing within my State, I can only characterize this decade-old limit on State credit authority as an overwhelmingly lost opportunity.

Mr. President, in 1993, Congress made the housing credit permanent with unprecedented, overwhelmingly bipartisan cosponsorship. In addition, the Nation's Governors have adopted a policy calling for an increase in the housing credit cap.

Mr. GRAHAM. Mr. President, today I join my colleague Senator D'AMATO as we introduce legislation to increase the amount of low income housing tax credits allocated to the States and to index the low-income housing credit for inflation.

In a time of fiscal austerity, housing credits encourage private investment in economically sound, privately owned, affordable homes for low-income working families in all 50 States. By helping families that get up and go to work every day to earn their rent and mortgage payments, the low-income housing credit provides families with an important stake in maintaining self-sufficiency.

Mr. President, the low-income housing tax credit was created in the 1986 tax reform bill in the wake of decreasing appropriations for federally-assisted housing and the elimination of other tax incentives for rental housing production. The housing credit encourages the construction and renovation of low-income housing by reducing the tax liability placed on the developers of affordable homes. The credit is based on the costs of development as well as the percentage of units devoted to low-income families or individuals.

The current formula used in determining a State's housing credit allocation is $1.25 multiplied by the State's population. Unlike other provisions in the Tax Code, this formula has not been adjusted since the credit was created in 1986. During the same period, inflation has eroded the credit's purchasing power by nearly 45 percent, as measured by the Consumer Price Index.

The bipartisan bill Senator D'AMATO and I introduce today proposes to increase the annual limitation on State authority to allocate low income housing tax credits to $1.75 per capita and index the cap for inflation. By freeing the 10-year-old cap on housing credits from its current limitation, as requested by the Nation's Governors, our bill will liberate States' capacity to help millions of Americans who still have no decent, safe, affordable place to live.

A brief look at the history of the housing credit provides ample evidence of why our legislation is needed. In the State of Florida, for example, the LIHTC has used more than $187 million in tax credits to produce approximately 42,000 affordable, rental units, valued at over $2.2 billion. Tax credit dollars are leveraged at an average of $18 to $1. Nevertheless, in 1996, nationwide demand for the housing credit greatly out paced supply by a ratio of nearly 3 to 1. In Florida, credits are distributed based upon a competitive application process and many worthwhile projects are denied due to a lack of tax credit authority.

This spring, the U.S. General Accounting Office [GAO], Congress' main investigative agency, released a national audit of the Low-Income Housing Tax Credit Program. The GAO found that the average housing credit apartment renter earns only 37 percent of the local area median income. Further, surveyed properties—more than 450—appeared to be in good condition and well-maintained. Additionally, the GAO reported that housing credit properties "overwhelmingly comply with statutory and regulatory requirements."

Mr. President, I'd like to draw attention to one example of how the low-income housing tax credit has benefited American families. I am referring to the Holly Cove housing community developed by Vestcor Equities near Jacksonville, FL. Vestcor provides clean, safe and affordable living environments for low- to moderate-income residents by developing, renovating, and operating multifamily communities.

In addition to affordable housing, Vestcor, through developments such as Holly Cove provides community services to improve the quality of life of their residents. Through counseling, education, and resident involvement, Vestcor energizes its community and provides residents with the tools they need for success. Activities and educational programs offered include: budgeting and credit counseling, resume writing assistance, GED classes, substance abuse counseling, and after school homework assistance. In short, with the help of the low-income housing tax credit, Vestcor Equities strengthens the community by investing in children and families.

Vestcor Equities provides first-hand evidence of the important role the low-income housing tax credit offers as a catalyst of private sector investment in our communities.

Mr. President, as we struggle to balance the budget and restore fiscal responsibility in Washington, the housing credit allows bureaucrats to step aside and let the free market fill an important need in America's communities. I hope my colleagues will embrace this important legislation.

By Mr. CRAIG:

S. 1253. A bill to provide to the Federal land management agencies the authority and capability to manage effectively the Federal lands in accordance with the principles of multiple use and sustained yield, and for other purposes; to the Committee on Energy and Natural Resources.

THE PUBLIC LANDS MANAGEMENT IMPROVEMENT ACT OF 1997

S. 1254. A bill to provide a procedure for the submission to Congress of proposals for, and permit upon subsequent enactment of law, assumption of management authority over certain Federal lands by States and nonprofit organizations; to encourage the development and application to Federal lands of alternative management programs that may be more innovative, less costly, and more reflective of the neighboring communities' and publics' concerns and needs, and for other purposes; to the Committee on Energy and Natural Resources.

THE FEDERAL LANDS MANAGEMENT ADJUSTMENT ACT

Mr. CRAIG. Mr. President, this week marked the 21st anniversary of the congressional passage of the 1976 National Forest Management Act. It is, therefore, a particularly appropriate time to discuss revisions to modernize NFMA and the Federal Land Policy and Management Act also passed in 1976. Today, I am introducing a revised version draft of a legislative proposal I first circulated for comments and review last December.

Actually, as I will explain shortly, I am introducing two bills today. The first bill, called the Public Lands Improvement Act of 1997, provides a series of reforms to the management programs of the Forest Service and the Bureau of Land Management. The second bill, called the Federal Lands Management Adjustment Act of 1997, provides an opportunity for the States or other parties to seek certain management responsibilities for Federal, multiple-use lands.

These two bills were bound together as one proposal in my December draft. But they have changed significantly as a consequence of six workshops sponsored by the Subcommittee on Forests and Public Land Management, as well as a foot-thick pile of comments provided by individuals and groups who took the time and effort to review the December proposal, offer us their views, and suggest many helpful changes.

The proposal that I am introducing today has been shared with the Clinton

administration. We reviewed the proposal with them earlier this week. In the very near future, we will hear their formal comments on the proposal. But I think it is fair to say that, at this point, the administration still embraces the proposition that no statutory changes are needed to the confusing and conflicting mandates that govern the Forest Service and BLM. A number of serious observers and students of these two agencies—most notably the General Accounting Office in a series of research efforts conducted on behalf of myself and Senator MURKOWSKI—disagree strongly.

Nevertheless, the administration's present posture is to inveigh against any changes to the law. This position makes it very difficult for this bill, or any bill, to be introduced with the kind of bipartisan support that will be needed to eventually secure passage of legislation in this area. Consequently, I am introducing this bill alone, even though there are numerous Senators on our side of the aisle who would like to be cosponsors. I have asked the full committee chairman, Senator MURKOWSKI, to join me.

I point out this reality not to pick a fight with the administration. Rather, I want to make it clear that I am introducing it by myself—without political cover—so that a spirit of bipartisan cooperation can have a chance to grow as we move into the formal hearings process. Any significant changes in this area of law will, by both design and necessity, be the product of bipartisan collaboration between the Congress and the administration. I not only accept this—I welcome it.

At the same time, if you look closely at the Interior and related agencies appropriations bill reported by the Senate, you will see a number of instances where Senator GORTON and I have made it clear to the administration that—absent clarifying legislative changes to confusing and expensive statutory mandates—we are not prepared to continue to spend money to no particular end. At this point, we are sending good money after bad.

These existing statutes—NFMA and FLPMA—are 21 years old. Their implementation today conjures the image of a sullen 21-year-old without a job, that's moved back home, is cleaning out the refrigerator and is draining cash without contributing much to the family. In my single year as a member of the Committee on Appropriations, I have seen how many exceptionally worthy efforts are denied funds. I cannot, in good conscience, condone further spending for things like the RPA Program and NFMA plan revisions.

I hope the administration takes the message here seriously, but constructively. That is the fashion in which is being sent. And, obviously I hope that they will review the proposal that we shared with them last week, and provide us their ideas on the statutory changes that should be made.

With that, I would like to highlight a few of the changes that we made in response to reviewers that have provided us their comments since last December.

First and foremost, as I indicated, I am introducing two bills today. We have separated title VI of the December draft and made it a separate bill dealing with increased opportunities for the State—and now others—to take on a larger role in Federal land management. I will treat this idea separately as we move through the hearing process. I'm doing this because a number of middle-of-the-road groups and thoughtful individuals suggested that it is impossible to focus on Federal land law reform if we are simultaneously, that is, in the same piece of legislation, looking at alternatives to Federal land management. Considering alternatives to Federal management of nationally owned lands is an intellectual "bridge too far" for many. It became an impediment to their participation and, I hope, ultimately their support for Federal land management reform.

I can accept this, even though it does suggest a certain timidity of spirit. I will note that the most timid of spirit, by far, were those interest groups, which self-identified by their rhetoric, that vigorously opposed all discussion of this concept in any form.

At the same time, I remain convinced that we ought to be looking at alternatives to Federal land management in a thoughtful and organized way. That is why I have introduced both bills today. We may take up the bills at somewhat different times as we move forward. But we will eventually pursue them both.

The former Chief of the Forest Service, Jack Ward Thomas, and the General Accounting Office felt that both the BLM and the Forest Service need a much clearer statement of mission. Our December draft focused largely upon improved procedures. The GAO emphasized that any attempt to change resource management procedures would not, by itself, be sufficient to cut through the morass of confusion that currently infects Federal agency management. Therefore, we have included a discrete mission statement for both the BLM and the Forest Service in the new proposal.

Additionally, over the past 9 months we have heard a lot from locally base, consensus groups working of Federal land management problems. I have become convinced that we ought to encourage these efforts. Therefore, this bill provides greater opportunity and encouragement to local consensus groups. Also, we provide a greater opportunity for the Forest Service and BLM to seek out local advice from interested elements of the public. I am optimistic that, if we can forge consensus at the local level, many of the national land management conflicts can be diminished in their intensity.

In response to numerous comments, we have also made some significant changes to part B of title I dealing with administrative appeals and judicial review of Forest Service and BLM decisions. We still codify—for the first time—an administrative appeals process for the Forest Service. The existing appeals process is without statutory basis, and could be eliminated by administrative fiat.

We have, however, removed the provision allowing the executive agencies the opportunity to dismiss and penalize frivolous appeals. In the December draft, we tried to use existing jurisprudential standards for discouraging frivolous legal action. Many reviewers were, however, uncomfortable with the notion of providing this authority to the executive branch agencies under any standard.

We also removed a provision in the December draft which stated that, upon injunction of a land and resource management plan, the previous plan would apply. As with frivolous actions, we will now leave to the judiciary the case-by-case determination of an appropriate course of action after the issuance of a broad-scale injunction.

One of the more contentious issues in the December draft was whether the land managing agencies should assure their own compliance with section 7 of the Endangered Species Act. Many groups were unwilling to trust the Forest Service and the BLM to do this on their own. Here, we were guided by the thoughtful comments of the Wildlife Management Institute. The Institute suggested that, with some review and certification of their program capabilities, the land managing agencies could be so trusted. Therefore, this provision has been modified to allow the land managing agencies to do their own section 7 compliance, but only after their programs have been certified by the Fish and Wildlife Service—in consultation with the National Marine Fisheries Service—as competent to carry out this responsibility.

You may recall that, in title IV of the December draft, we created some new funding streams to increase land management activities. We received a number of comments that allowing resource managers to keep these funds locally could create perverse incentives that would result in more intensive land management—whether or not such management is appropriate in individual circumstances. At the same time, we heard from GAO and others that one of the most crying needs for additional funding is monitoring of plan implementation. The GAO emphasized that this is where the Forest Service and BLM often fall short.

In response to both sets of concerns, we are retaining these new funding

streams, but channeling any additional revenues into increased monitoring activity. It is our hope that, with better monitoring, we will get more effective plan implementation, and more projects accomplished on the ground.

During the past few months as we have worked on this proposal, we have also been captivated by a separate discussion underway between the administration and groups who wish to bid on timber sales for the purpose of preserving—rather than harvesting—the trees. To date, the administration has correctly interpreted existing law as not providing the authority to entertain such bidders. Section 14(c) of the National Forest Management Act is specific that the purpose of timber sales is to promote the orderly harvesting of the timber.

At the same time, where the sale is for the sole purpose of disposing of a commodity, we believe that the taxpayers should be afforded the best price—whether it is being offered by someone who wants to harvest, or someone who wants to preserve the trees. Therefore, we have added a provision in title IV of the bill which provides the administration authority which it now lacks, to allow nonharvesting bidders to participate in the auction of commodity timber sales that have no land stewardship function associated with them.

Now let me spend a few moments on the second bill dealing with transfer of management responsibilities for Federal lands. As I indicated, this has been split into a separate bill to accommodate those who could not consider alternatives to Federal management at the same time they were proffering their views about how to make Federal management more effective. With regard to the State transfer bill, it is in many respects similar to title VI of our December draft. We do, however, clarify that nothing in the transfer of management responsibility is designed to infringe on Indian tribal or treaty rights.

Additionally, we have been moved by the views of a number of free market environmentalists and scholars who have argued that there should be an opportunity for nonprofit trusts to assume a larger role in Federal land management. We have added this concept to the transfer bill.

These are a few of the changes that we made. As I indicated, the changes are numerous and substantive. My staff indicated that, at last count, we had made some 80 changes in the December draft. It's now time to review these changes, and continue a constructive discussion on how this bill can be improved further.

In that regard, I want to thank a number of individuals and groups who have been instrumental in providing us ideas for the improvements that we have already made. First and foremost, I want to thank former Chief, Jack Ward Thomas, for his advice and participation in our workshops. I also would like to thank a group of retired Forest Service Deputy Chiefs and Regional Foresters led by George Leonard for their thoughtful and detailed comments.

I appreciate the assistance provided by a number of professional societies and other middle-of-the-road conservation groups who assisted us by forming committees made up of their members to review the bill and offer us formal comments. These groups include, among others, the Wildlife Management Institute, the Society of American Foresters, the National Association of State Foresters, and the Association of State Land Commissioners. In each case, their participation has been instrumental in guiding us toward some of the changes I have described.

Now I suppose the next question is: where we will head from here? We will try to convene a first hearing before we recess this session of Congress. At this hearing, I hope to hear from those groups that have taken the extra step of forming committees of their members to review the December proposal. I would like to hear from them how responsive they think we have been to their constructive suggestions.

Then, when we reconvene next year I will hold additional hearings to receive testimony from national interest groups, as well as from the administration. I will endeavor to be as inclusive as possible in soliciting testimony from as wide a range of groups as are interested.

I hope that, by early next year, the administration will see its way clear to sit down with us and suggest constructive changes to this proposal. I would welcome the opportunity to work with them to see if there is a list of changes that we can agree are necessary and meaningful to pursue.

With or without the administration's cooperation, I will nevertheless endeavor to produce a third version of this bill to have ready for committee markup sometime next spring.

I urge all groups involved in reviewing this legislation to take the time to: first, read it; second, reflect on it; third, come in and discuss it with us if they wish; and fourth, commit themselves to moving forward to work with us to develop a land management planning process that is equitable, efficient, and sensitive to environmental, economic, and fiscal concerns.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION DESCRIPTION—PUBLIC LANDS MANAGEMENT IMPROVEMENT ACT OF 1997

Sec. 1. Short title: table of contents. This legislation—"Public Lands Management Improvement Act of 1997"—provides new authority and gives greater responsibility and accountability to the Forest Service, Department of Agriculture, and Bureau of Land Management (BLM), Department of the Interior, for planning and management of federal lands under their jurisdiction. The two statutes governing the agencies' land planning and management—National Forest Management Act (NFMA) and Federal Land Policy and Management Act (FLPMA)—are now more than two decades old; this legislation preserves those laws' policies and requirements while it updates those laws to reflect the agencies' subsequent performance and experience.

Sec. 2. Findings. This section contains numerous findings which explain the need for this legislation. The findings—

Note the widespread public support for the twin principles of federal land management—multiple use and sustained yield—imposed on Forest Service lands in NFMA and on BLM lands in FLPMA.

Recognize that NFMA and FLPMA, enacted in 1976, established resource management planning processes as the means to apply these land management principles to the federal lands.

State that, in the 2 decades since the enactment of NFMA and FLPMA, fundamental flaws in the planning processes have been exposed, to the dissatisfaction of all stakeholders.

Find that these flaws threaten the planning and decisionmaking processes and undermine the agencies' ability to fulfill their statutory land management responsibilities and accomplish management that is well grounded in science.

Note that Congress' desire for planning to be completed within discrete time frames and to provide secure management guidance has not been achieved.

Describe how planning has yet to be completed 2 decades after the enactment of NFMA and FLPMA, and how the Forest Service and BLM are now engaged in an apparently perpetual planning cycle that deprives both the agencies and the public of stable and predictable management of federal lands.

State that the two levels of planning contemplated and required by NFMA and FLPMA have been expanded by the agencies and the courts to include various planning exercises on multiple, often conflicting planning levels that in many cases are focused narrowly on only one resource, are conducted without the procedural and public participation safeguards in the planning required by statute, and result in guidance that conflicts with the planning that is conducted in accordance with statutory direction.

Find that the procedures and requirements of NFMA and FLPMA often are not compatible, and even conflict, with procedures and requirements of other, more generally applicable environmental laws. The result is often the de facto transfer of planning and management decisionmaking authority from the land management agencies—the Forest Service and BLM—to other environmental agencies—the Environmental Protection Agency, Fish and Wildlife Service, National Marine Fisheries Service, etc.—that do not possess comparable land management expertise.

Find "without doubt" that Congress has failed to reconcile the procedures and requirements of other environmental laws with the planning and management processes established by NFMA and FLPMA.

Describe how, even when the Forest Service and BLM retain planning and management authority, they are often paralyzed by

an escalating number of administrative appeals and lawsuits.

Note that existing law does not recognize, nor integrate into planning, important new land management concepts such as ecosystem management and adaptive management which are being imposed or incorporated in federal land planning and management without statutory authority.

State that new processes developed by stakeholders to better participate in federal land planning and decisionmaking, such as the community-based collaborative deliberations of the Quincy Library Group and Applegate Partnership, are not recognized or encouraged by NFMA and FLPMA.

Find that these flaws in planning and plan implementation, including the administrative and judicial challenges, have escalated Forest Service and BLM land management costs and thereby reduced land management capability.

State that these flaws in planning and subsequent inability to secure plan implementation have injured—both environmentally and economically—all stakeholders, but particularly local resource-dependent communities which have no protection nor recourse under NFMA and FLPMA.

Find that NFMA, FLPMA, and their implementing regulations provide much guidance on planning, but virtually none on plan implementation, thereby devaluing the term "Management" common to both Act's titles.

Report the finding of the United States General Accounting Office that the statutory flaws and public distrust discussed in these findings have contributed to, and been compounded by, the agencies' lack of a clear mission statement.

And find that additional statutory direction for planning and plan implementation is needed to secure stable and predictable federal land management and to free the Forest Service and BLM to exercise fully their professionalism in making management decisions.

Sec. 3. Definitions. This section defines the terms used in this legislation. For the purpose of this section-by-section description only two terms need definitions. "Federal lands" means all federal lands managed by the BLM (excluding Outer Continental Shelf lands) and Forest Service (including national grasslands). The four "Committees of Congress" are the authorizing committees with jurisdiction over the Forest Service and BLM: the Committee on Resources and Committee on Agriculture in the House of Representatives and the Committee on Energy and Natural Resources and Committee on Agriculture, Nutrition, and Forestry in the United States Senate.

Sec. 4. Supplemental authority. This section makes clear that this legislation supplements the NFMA, FLPMA, and other applicable law. It also provides that, except for units of the National Wilderness Preservation, National Wild and Scenic Rivers, and National Trails Systems, this legislation will prevail whenever it is in conflict with other applicable law. On the other hand, the laws governing those Systems will prevail whenever this legislation conflicts with them.

Sec. 5. Transition. This section makes clear that existing plans, policies, and other guidance concerning the federal lands that are in effect on the date of enactment of this legislation remain valid until they are revised, amended, changed, or terminated in accordance with this legislation.

TITLE I—ENSURING THE EFFECTIVENESS OF FEDERAL LAND PLANNING AND IMPLEMENTATION

Sec. 101. Purposes. The purposes of Title I are to provide a mission statement for the Forest Service and BLM and provide Congressional direction to those agencies on the preparation and implementation of resource management plans for, and the planning of management activities on, the federal lands. This mission and direction are intended to avoid the environmental, economic, and social injuries caused by the existing flaws and past absence of mission and direction in federal land planning. Most importantly, this mission and direction are expected to achieve stable, predictable, timely, sustainable, and cost-effective management of federal lands.

Part A. In general

Sec. 102. Mission of the land management agencies. This section provides a new mission for the Forest Service and BLM. It is to manage the federal lands to furnish a sustainable flow of multiple goods, services, and amenities while protecting and providing a full range and diversity of natural habitats of native species in a dynamic manner over the landscape.

Sec. 103. Scientific basis for Federal land decisions. To ensure that federal land planning and management is well grounded in science, this section requires the Forest Service and BLM to use in all federal land decisions the best "scientific and commercial data available." This standard for scientific data is adopted from the Endangered Species Act of 1973.

Part B. Resource management and management activity planning

Sec. 104. Levels of planning. To reduce the proliferating number of federal land planning exercises, this section limits the levels of Forest Service and BLM planning to two—multi-use resource management planning for designated planning units and site-specific planning for management activities. The two agencies are given complete discretion to designate planning units of whatever size and number they consider appropriate in which to conduct the resource management planning.

The agencies may also conduct analyses or assessments for geographical areas other than the planning units (including ecoregion assessments as provided in Title III). However, the results of these analyses or assessments can be applied to the federal lands only by amending or revising the applicable resource management plans.

This section establishes a 3-year deadline for amending or revising existing resource management plans to include policies developed in planning conducted outside of the two prescribed planning levels. That noncomplying planning will no longer apply to the federal lands at the end of the 3-year period.

Sec. 105. Contents of planning and allocation of decisions to each planning level. To eliminate redundant planning that is time-consuming and costly, this section assigns specific analyses to the two levels of planning established in section 104 and clarifies that the analyses may not be repeated elsewhere in the planning process. This section requires that resource management plans contain 4 basic elements: (1) statement of management goals and objectives; (2) allocation of land uses to specific areas in the planning unit; (3) determination of outputs of goods and services from the planning unit; and (4) environmental protection policies. The agencies are admonished to tailor the environmental protection policies, to the maximum extent feasible, not to be prescriptive requirements generally applicable to the entire planning unit but rather to provide guidance for determining specific requirements tailored to identified sites during the planning of individual management activities.

Additionally, the resource management plans are required to contain: (1) a statement of historical uses, and trends in conditions of, the resources covered by the plans; (2) a schedule and procedure for monitoring plan implementation, management of the covered federal lands, and trends in the covered resources' uses and conditions as required by section 115, and (3) criteria for determining when circumstances on the covered federal lands warrant adaptive management of the resources as required by section 115.

This section requires the agencies to assign by a notice-and-comment rulemaking specific analyses and decisions to each of the two planning levels. The agencies may not conduct or reconsider those analyses or decisions in the planning level to which they are not assigned. This section also makes a number of analyses and decision assignments. In addition to the 4 basic elements discussed previously in this section, assigned to resource management planning are resource inventories, cumulative effects analyses, discussion of relationship to State and local plans, identification of federal lands which might be exchanged or otherwise disposed of, and decisions on wilderness, unsuitability of lands for certain uses (*e.g.*, coal mining as required by section 522 of the Surface Mining Control and Reclamation Act and timber harvesting as required by section 6 of the National Forest Management Act), and visual objectives. Assigned to management activity planning are analyses of site-specific resources and environmental effects, and decisions concerning the design of, and requirements for, the activity, including decisions related to water quality, method for harvesting forest products, revenue benefits and a schedule and procedures for monitoring the effects of the activity.

Sec. 106. Planning deadlines. To break the cycle of perpetual planning, this section would set deadlines for conducting the two-level planning. These deadlines are: (1) for resource management planning—30 months for plan preparation, 12 months for amendments defined as significant by regulations, 9 months for amendments defined as non-significant by regulations, and 24 months for revisions; and (2) for management activity planning—9 months for planning significant activities and 6 months for planning non-significant activities.

Sec. 107. Plan amendments and revisions. This section ensures that the 4 basic elements of the resources management plans are accorded equal dignity and that one element is not arbitrarily sacrificed or ignored to achieve another. It prohibits the Forest Service and BLM from applying a policy to, or making a decision on, resource management plan or a management activity which is inconsistent with one of the basic elements. Instead, this section requires that the resource management plan must be awarded to alter or reconcile conflicting basic elements. This decision to amend would be made whenever the inconsistency is discovered, usually during either the planning for a specific management activity or the monitoring of plan implementation required by section 115. The agencies are given the authority to waive an inconsistency without

amending the resource management plan on a one-time basis for a single specific management activity if the inconsistency does not violate a nondiscretionary statutory requirement and the determination is made that the waiver is in the public interest.

This section also requires that any change in federal land management that is imposed by new law, regulation, or court order or that is warranted by new information must be effected by amending or revising the appropriate resource management plans. Further, unless the agency determines that the law or court order requires otherwise and publishes that determination, the change in management does not become effective until the amendment or revision is adopted.

This section directs, that when resource management plans are revised, all provisions of those plans are to be considered and analyzed in the environmental analysis (environmental impact statement (EIS) or environmental assessment (EA)) and decision documents. This ensures that the agency does not consider only those portions of the plans that are particularly important to the most vociferous advocates for a particular land use or management policy or are of particular interest to the officials involved in the planning exercise.

Finally, this section clarifies that, while a resource management plan is being amended or revised, management activities are to continue and not be stayed in anticipation of changes that might be made by the amendment or revision. Exceptions to this stay prohibition include whenever a stay is required by this Act, court order, or a formal declaration by the Secretary (without delegating the authority). However, the agencies can stay particular activities for purposes that are unrelated to the purpose or the likely effect of the amendment or revision. To ensure that *de facto* stays do not occur, this section provides that, except as described above, a plan amendment or revision may not become effective until final decisions on management activities that are scheduled to be made during the plan amendment or revision process have been made.

To avoid tunnel-visioned decisionmaking that focuses on one issue to the exclusion of all others, this section directs the agencies to consider in the environmental analysis documents on any amendment or revision of a resource management plan what effect the amendment or revision may have on the 4 basic elements required for each plan by section 105. The decision document on the amendment or revision must include a discussion of the reasons why the effect is necessary and what steps were taken in the planning process and decisionmaking, or will be taken thereafter, to ameliorate any adverse economic or social consequences which will or could result from the effect.

Sec. 108. Disclosure of funding constraints on planning and management. To ensure that planning decisions are not based on overly optimistic funding expectations and are not rendered irrelevant by enactment of differing appropriations, this section requires that the EIS or EA on each resource management plan, or plan amendment or revision, contain a determination on how the 4 basic elements (goals and objectives, land use allocations, outputs of goods and services, and environmental protection policies) will be implemented within a range of funding levels (with at least one level which provides less funds annually, and one level which provides more funds annually, then the level of funding for the fiscal year in which the EIS or EA is prepared).

Sec. 109. Consideration of Federal lands-dependent communities. This section requires that, in preparing, amending, or revising each resource management plan, the Forest Service and BLM must consider if, and explain whether, the plan will maintain to the maximum extent feasible the stability of any community that has become dependent on the resources of the federal lands to which the plan applies.

The procedure for meeting this mandate is to include in the EIS or EA on the plan, amendment, or revision a discussion of: the impact of each plan alternative on the revenues and budget, public services, wages, and social conditions of each federal lands-dependent community; how the alternatives would relate to historic community expectations; and how the impacts were considered in the final plan decision.

This section defines a federal lands-dependent community as one which is located in proximity to federal lands and is significantly affected socially, economically, or environmentally by the allocation of uses of one or more of the lands' resources. The Secretaries are to consult with the Secretaries of Commerce and Labor in establishing by rulemaking criteria for identifying these communities.

Sec. 110. Participation of local, multi-interest committees. To encourage local solutions to federal land management issues developed by neighboring citizens of diverse interests, this section provides for the establishment of two types of local, matter-interest committees. The first is the "independent committee of local interests" established without the direction, intervention, or funding of the agencies and including at least one representative of a non-commodity interest and one representative of a commodity interest. Prototypes for this type of committee are the Quincy Library Group and Applegate Partnership. This section encourages these independent committees to prepare planning recommendations for the federal lands by imposing the requirement on the agencies that they include those recommendations as alternatives in the EISs or EAs which accompany the preparation, amendment, or revision of resource management plans. If more than two independent committees are established and submit planning alternatives for the same federal lands, the Forest Service or BLM will include the alternatives of the two committees it determines to be most broadly representative of the interests to be affected by the plan, amendment, or revision, and will attempt to consolidate for analysis or otherwise discuss the other committees' alternatives. Finally, the section authorizes the Forest Service and BLM to provide to any independent committee whose planning alternative is adopted sufficient funds to monitor the alternative's implementation. These independent committees would be exempt from the Federal Advisory Committee Act.

Second, the agencies are empowered to establish local committees corresponding to the federal land's planning units. The membership of these committees must be broadly representative of interests affected by planning for the planning units for which they were formed. The agencies must seek the advice of the committees prior to adopting, amending, or revising the relevant resource management plans and provide the committees with funding to monitor plan implementation.

Sec. 111. Ecosystem management principles. This section ensures that the relatively new ecosystem management concept is incorporated into planning in a fashion which does not supersede other statutory mandates. It requires that the Forest Service and BLM consider and discuss ecosystem management principles in the EISs or EAs for resource management plans, amendments, and revisions. It also states that these principles are to be applied consistent with, and may not be used as authority for not complying with, the other requirements of this legislation, FLPMA, NFMA, and other environmental laws applicable to resource management planning.

Sec. 112. Fully allocated costs analysis. To ensure that the costs of all uses are revealed, this section directs the Forest Service and BLM to disclose in the EISs and EAs on resource management plans, amendments, and revisions the fully allocated cost including foregone revenues, expressed as a user fee or cost-per-beneficiary, of each non-commodity output from the federal lands to which the plans apply.

Sec. 113. Citizen petitions for plan amendments or revisions. Section 116 establishes deadlines for challenging resource management plans, amendments, and revisions. This section provides a procedure for citizens who believe a plan has become inadequate after the deadlines have passed to seek change in the plan and, if unsuccessful in obtaining change, to challenge the plan. This section authorizes any person to challenge a plan after the deadline solely on the basis of new information, law, or regulation. The mechanism for challenge is a petition for plan amendment or revision. The Forest Service or BLM must accept or deny the petition within 90 days of receiving it. If the agency fails to respond to or denies the petition, the petitioner may file suit immediately against the plan. If the agency accepts the petition, the process of amending or revising the plan begins immediately. The agency's decision to accept or deny the petition is subject to the consultation requirement of the Endangered Species Act, but not subject to the environmental analysis requirements of the National Environmental Policy Act.

Sec. 114. Budget and cost disclosures. To better relate the agencies' planning process with Congress' appropriations process, this section requires that the President's budget request to Congress include an appendix that discloses the amount of funds that would be required to achieve 100% of the annual outputs of goods and services in, and otherwise implement fully, each Forest Service and BLM resource management plan.

In the face of escalating planning costs, particularly those associated with ecoregion assessments, this section also requires the agencies to submit to Congress each year an accounting of the total costs and cost per function of procedure for each plan, amendment, revision or assessment published in the preceding year.

Sec. 115. Monitoring and maintenance of planning. This section contains several procedures intended to ensure that the resource management plans are implemented. First, each agency is required to include in each decision on a management activity a statement that the decision contributes to, or at a minimum does not preclude, achievement of the 4 basic elements (goals, land allocations, outputs, and environmental protection policies) of the applicable resource management plan.

Second, this section requires use of funds from the Monitoring Funds established by section 502 to monitor the implementation of each resource management plan at least biennially. The monitoring is to ensure that

no goal, land allocation, output, or policy of the plan is constructively changed through a pattern of incompatible management activities or of failures to undertake compatible management activities. Whenever the agency finds such change has occurred, it must take corrective management actions to restore compliance with the plan, or amend or revise the plan to accommodate the change. The monitoring also is to determine whether circumstances or the federal lands have changed and warrant adaptive management. If so, the agencies are required to undertake the adaptive management—immeidately if no elements would be changed thereby or after amending or revising the plan if any element would be changed.

Part C. Challenges to planning

The purposes of this part are to ensure that challenges—both administrative and judicial—of resource management plans and management activities are brought more timely and by those who truly participate in the agencies' processes. It does not eliminate challenges or insulate agency decisions from challenges.

Sec. 116. Administrative appeals. This section directs the Forest Service and BLM to promulgate rules to govern administrative appeals of decisions to approve resource management plans, amendments, and revisions, and of decision to approve, disapprove, or otherwise take final action on management activities. While allowing the agencies considerable discretion in rulemaking, this section does provide that the rules must: (1) require that, in order to bring an appeal, the appellant must have commented in writing during the agency process on the issues or issues to be appealed; (2) provide that administrative appeals of plans may not challenge analyses or decisions assigned to management activities under section 105 and administrative appeals of management activities may not challenge analyses or decisions assigned to plans under section 105; (3) provide deadlines for bringing the administrative appeals (not more than 120 days after a plan or revision decision, 90 days after an amendment decision, and 45 days after a management activity decision); (4) provide deadlines for agency decisions on the appeals (not more than 180 days for appeal of a plan or revision, 120 days for appeal of a plan amendment, 90 days for appeal of a management activity, with possible 15 days extension for each) and bar additional levels of administrative appeal; (5) provide that in the event of failure to render a decision by the applicable deadline, the decision on which the appeal is based is to be deemed a final agency action which allows the appellant to file suit immediately; (6) require the agency to consider and balance environmental and/or economic injury in deciding whether to issue a stay pending appeal (or petition); (7) provide that no stay may extend more than 30 days beyond a final decision on an appeal of a plan, amendment, or revision or on a petition or 15 days beyond a final decision on a appeal of a management activity; and (8) establish categories of management activities excluded from administrative appeals (but not lawsuits) because of emergency, timesensitive, or exigent circumstances. This section is more comphrensive than the section of the Fiscal Year 1993 Interior Appropriations Act which concerned appeals only of management activities (not management plans, amendments, and revisions) of the Forest Service (not BLM). As this section supplants that more limited provision, it repeals that provision when the new Forest Service appeals rules required by this section become effective.

Sec. 117. Judicial review. This section establishes venue and standing requirements in, sets deadlines for, and otherwise governs lawsuits over resource management plans, amendments, revisions, and petitions and management activities.

The venue for plan-related litigation is the U.S. Circuit Court of Appeals for the circuit in which the lands (or the largest portion of the lands) to which the plan applies are located. The venue for litigation over a management activity, or petition for plan amendment or revision is the U.S. District Court in the district where the lands (or the largest portion of the lands) on which the activity would occur or to which the plan applies are located.

This section also clarifies that standing and intervention of right is to be granted to the fullest extent permitted by the Constitution. This means those who are economically injured cannot be barred by the non-constitutional, prudential "zone of interest" test developed by the judiciary. This section also limits standing to those who make a legitimate effort to resolve their concerns during the agency's decisionmaking process and do not engage in "litigation by ambush" by withholding their concerns until after the agency decision is made. Specifically, this section requires that the plaintiff must have participated in the agency's decisionmaking process and submitted a written statement on the issue or issues to be litigated, and must have exhausted opportunities for administrative review.

Deadlines for bringing suit are 90 days after the final decision on the administrative appeal of a resource management plan, amendment, or revision, and 30 days after a final decision on the administrative appeal of a management activity or final disposition of a petition for plan amendment or revision. If the challenge involves a statute (*e.g.*, Endangered Species Act or Clean Water Act) which requires a period of notice before filing a citizen suit, the notice must be filed by the applicable deadline and suit must be filed 7 days after the end of that notice period.

This section bars suits brought on the basis of new information, law, or regulation until after a petition for plan amendment or revision is filed and a decision is made on it.

This section also clarifies that suits concerning resource management plans and management activities are to be decided on the administrative record.

TITLE II—COORDINATION AND COMPLIANCE WITH OTHER ENVIRONMENTAL LAWS

Sec. 201. Purposes. The purposes of this title are to eliminate primarily procedural conflicts among, and coordinate, the various land management and environmental laws without reducing—indeed enhancing—environmental protection.

Sec. 202. Environmental analysis. This section describes how compliance with the National Environmental Policy Act (NEPA) will occur in resource management planning and planning for management activities. It requires that an EIS be prepared whenever a resource management plan is developed or revised. (Plan amendments may have either an EIS or EA depending on their significance.) This section also provides that, for management activities, an EA ordinarily is prepared. The EA for the management activity is to be tiered to the EIS for the applicable resource management plan. The agency may prepare a full EIS on a management activity if it determines the nature or scope of the activity's environmental impacts in substantially different from, or greater than, the nature or scope of impacts analyzed in the EIS on the applicable resource management plan.

Sec. 203. Wildlife protection. This section addresses the relationship of the Endangered Species Act (ESA) to federal land planning and management. First, it provides a certification procedure by which the Forest Service and BLM can become certified by the U.S. Fish and Wildlife Service to conduct the consultation responsibilities normally assigned to the Fish and Wildlife Service and National Marine Fisheries Services by section 7 of the ESA. If they are certified, the two land management agencies will have the authority to prepare the biological opinions under the ESA just as they now prepare EISs under NEPA.

Second, this section addresses situations in which the resource management plan may have to undergo consultation because of a new designation of an endangered or threatened species or of a species' critical habitat, or new information about an already designated species or habitat. This section requires that a decision be reached as to whether consultation is required on the plan within 90 days of the new designation, and that any amendment to or revision of the plan be completed within 12 or 18 months, respectively, after the new designation. It also allows individual management activities to continue under the plan while it is being amended or revised, if those activities either separately undergo consultation concerning the newly designated species or habitat or are determined not to require consultation.

Sec. 204. Water quality protection. This section addresses the relationship of the Clean Water Act (CWA) to federal land planning and management. It provides that any management activity that constitutes a nonpoint source of water pollution is to be considered in compliance with applicable CWA provisions if the State in which the activity will occur certifies that it meets best management practices or that functional equivalent. The agency, however, may choose not to seek State certification and satisfy the separate applicable CWA requirements.

Sec. 205. Air quality protection. This section addresses the relationship of the Clean Air Act (CAA) to federal land planning and management. It provides that, when a Forest Service forest supervisor or BLM district manager finds that a prescribed fire will reduce the likelihood of greater emissions from a wildfire, and will be conducted in a manner that minimizes impact on air quality to the extent practicable, the prescribed fire is deemed to be in compliance with applicable CAA provisions.

Sec. 206. Meetings with users of the Federal lands. This section addresses the relationship of the Federal Advisory Committee Act (FACA) to federal land planning and management. It clarifies that the agencies may meet without violating FACA with one or more: holders of, or applicants for, federal permits, leases, contracts or other authorizations for use of the federal lands; other persons who conduct activities on the federal lands; and persons who own or manage lands adjacent to the federal lands.

TITLE III—DEVELOPMENT OF ECOREGION ASSESSMENTS

Sec. 301. Purpose. The purpose of this title is to authorize the new practice of preparing ecoregion assessments, and to prescribe how those assessments will be integrated into federal land planning and management.

Sec. 302. Authorization and notice of assessments. This section authorizes the Forest Service and BLM to prepare ecosystem

assessments, which may include non-federal lands if the Governors of the affected States agree. It requires the agency to give the four Committees of Congress 90 days advance notice before initiating an ecoregion assessment. The notice must include: (1) a description of the land involved; (2) the agency officials responsible; (3) the estimated costs of and the deadlines for the assessment; (4) the charter for the assessment; (5) the public, State, local government and tribal participation procedures; (6) a thorough explanation of how the ecoregion was identified and the attributes which establish the ecoregion; and (7) detailed reasons for the decision to prepare the assessment.

Sec. 303. Status, effect and application of assessment. This section provides that the assessments must not contain any decisions concerning resource management planning or management activities. It then provides a procedure for applying information or analysis contained in ecoregion assessments to such planning and activities. It directs the relevant agency to make a decision within 6 months of completion of an ecoregion assessment whether any information or analyses in the assessment warrants amendments to, or revisions of, a resource management plan for the federal lands to which the assessment applies. If the decision is made for an amendment or revision, no management activity on federal lands may be delayed or altered on the basis of the assessment while the amendment or revision is prepared. Finally, no federal official may use an assessment as an independent basis to regulate non-federal lands.

Sec. 304. Applicability of other laws. As the ecoregion assessments are nondecisional, this section provides that they will not be subject to the consultation requirements of the Endangered Species Act or the environmental requirements of the National Environmental Policy Act.

Sec. 305. Report to Congress. This section directs the agencies to report biennially to the four Committees of Congress on ecosystem assessments, their implications for federal land management, and any resource management plan amendments or revisions based on assessments. The report also must include the agencies' views of the benefits and detriments of, and recommendations for improving, ecosystem assessments.

Sec. 306. Pacific Northwest forest plan review. This section provides for an independent review of the basis for, and implementation of, President Clinton's Pacific Northwest Forest Plan. It authorizes the appropriation of $5 million for the Consortium of Regional Forest Assessment Centers, through the University of Washington, to conduct the reviews over a 6-month period. The review must include: (1) assessments of the scientific information, assumptions, and modeling both used and not used in the preparation of the Plan; (2) an evaluation of whether the Plan will achieve both its resource protection and resource production purposes, goals, and objectives; (3) a review of the operational and cost effectiveness of the Plan and any alternative approaches; and (4) any recommendations for administrative or legislative changes in the Plan. The Consortium's review is to be submitted to the four Committees of Congress, without submission (of it or any Consortium testimony) to any federal officer or agency for prior approval, comments, or review.

TITLE IV—DEVELOPMENT OF A GLOBAL RENEWABLE RESOURCES ASSESSMENT

Sec. 401. Purposes. The purpose of this title is to replace the Renewable Resource Assessment and Renewable Resource Program administered by the Forest Service under the Forest and Rangeland Renewable Resources Planning Act of 1974 with a Global Renewable Resources Assessment administered by an independent National Council on Renewable Resources Policy.

Sec. 402. Global renewable resources assessment. This section emphasizes the vital importance of renewable resources to national and international social, economic, and environmental well-being, and of the need for a long-term perspective in the use and conservation of renewable resources. To achieve that perspective, this section directs that a Global Renewable Resources Assessment be prepared every 5 years. The Assessment must include: (1) an analysis of national and international renewable resources supply and demand; (2) an inventory of national and international renewable resources, including opportunities to improve their yield of goods and services; (3) an analysis of environmental constraints and their effects on renewable resource production in the U.S. and elsewhere; (4) an analysis of the extent to which the renewable resources management programs of other countries ensure sustainable use and production of such resources; (5) a description of national and international research programs on renewable resources; (6) a discussion of policies, laws, etc. that are expected to affect significantly the use and ownership of public and private renewable resource lands; and (7) recommendations for administrative or legislative initiatives.

Sec. 403. National Council on Renewable Resources Policy. This section establishes the National Council on Renewable Resources Policy. Its functions are the preparation and submission to Congress of the Global Renewable Resources Assessment and the periodic submission to the Forest Service, BLM, and four Committees of Congress of recommendations for administrative and legislation changes or initiatives.

The Council has 15 members, 5 each appointed by the President, President pro tempore of the Senate, and Speaker of the House. The Chair is to be selected from the members. This section has typical provisions for filling vacancies, appointment of an Executive Director, compensation of the members and the Executive Director, appointment of personnel, authority to contract with federal agencies, and rulemaking and other powers of the Council.

This section strives to ensure the independence of the Council in two ways. First, it requires that the Council submit its budget request concurrently to both the President and the Appropriations Committees of Congress. Second, it requires concurrent submission of the Assessment, analyses, recommendations, and testimony to Executive Branch officials or agencies and the four Committees of Congress. Finally, it prohibits, and requirees the reporting of, any attempt by a federal official or agency to require prior submission of the Assessment, analyses, recommendations, or testimony for approval, comments, or review.

Sec. 404. Repeal of certain provisions of the Forest and Rangeland Renewable Resources Planning Act. This section repeals those provisions of the Forest and Rangeland Renewable Resources Planning Act that direct the Forest Service to prepare a Renewable Resource Assessment and Renewable Resource Program.

TITLE V—ADMINISTRATION

Part A. In general

Sec. 501. Confirmation of the Chief of the Forest Service. This section provides for Senate confirmation of appointments to the office of Chief of the Forest Service, thereby establishing the same appointment procedures as those applicable to the Director of the BLM. This section also sets certain minimum qualifications for the appointee: (1) a degree in a scientific or engineering discipline that is revelant to federal land management; (2) 5 years or more experience in decisionmaking concerning management, or research concerning the management, of federal lands or other public lands; and (3) 5 years or more experience in administering an office or program with a number of employees equal to, or greater than, the average number of employees in national forest supervisors' offices.

Sec. 502. Monitoring funds. To encourage effective management of the federal lands and provide a supplemental funding source for important monitoring activities, this section establishes a Public Lands Monitoring Fund for BLM lands and Forest Lands Monitoring Fund for Forest Service lands. The Funds would receive all monies collected from federal lands in any fiscal year that are in excess of federal land revenues projected in the President's baseline budget (minus the State's and local government's share as required by law). The monies in the Funds may be used, without appropriations, to conduct the monitoring required by section 115 or to fund the monitoring of the local, multi-interest committees under section 110.

Sec. 503. Interagency transfer and interchange authority. This section authorizes the BLM and Forest Service to transfer between them adjacent lands not exceeding 5,000 acres or exchange adjacent lands not exceeding 10,000 acres per transaction. These transactions are: (1) to occur without transfer of funds; (2) to be effective 30 days or more after publication of Federal Register notice; (3) not to affect any legislative designation for the lands involved; and (4) subject to valid existing rights.

Sec. 504. Fees for processing records requests. To discourage inordinately broad "fishing expedition" requests under the Freedom of Information Act that severely tax agency funding and personnel, this section prohibits the waiver or reduction of fees under that Act for any records request to the Forest Service or BLM that will cost in excess of $1000 for a single request or for multiple requests of any one party within a 6-month period.

Sec. 505. Off-Budget study. This section tasks the U.S. General Accounting Office with the responsibility to conduct a study for Congress of the feasibility of making the Forest Service and BLM self-supporting by taking the agencies off-budget (no appropriated funds) and returning to them all revenues generated on federal lands (with mineral revenues from national forest lands allocated to the Forest Service), except revenues which by other laws are paid to States and local governments.

Part B. Non-Federal lands

This part seeks to increase the timeliness and cost efficiency of Forest Service and BLM decisionmaking which directly affects private lands.

Sec. 506. Access to adjacent or intermingled non-Federal lands. This section establishes procedures for processing applications for access to nonfederal land across federal land as guaranteed by section 1323 of the Alaska National Interests Lands Conservation Act (ANILCA). First, this section requires that the application processing be completed within 180 days and, if it is not,

the access be deemed approved. It sets a 15-day deadline for notifying the applicant whether the application is complete. This section makes clear that the analyses conducted under the National Environmental Policy Act and Endangered Species Act are to consider the effects of the construction, maintenance and use of the access across the federal lands and not the use of the nonfederal lands to be accessed. Finally, it clarifies that any restrictions imposed on the access grant pursuant to section 1323 of ANILCA may limit or condition the construction, maintenance, or use of the access across the federal lands, but not the use of the nonfederal lands to be accessed.

Sec. 507. Exchanges of Federal lands for non-Federal lands. This section establishes procedures for exchanges under, and amends, section 206(b) of the Federal Land Policy and Management Act of 1976. As any management activity on any federal lands or interests in lands newly acquired under an exchange will be required to undergo full National Environmental Policy Act and Endangered Species Act review, this section provides that on the exchange itself an EA satisfies the environmental analysis requirements of section 102(2) NEPA and any consultation required under ESA will be completed within 45 days instead of the 90-day period provided by section 7 of ESA. Further, this section provides that any exchange mandated by Congress requires no NEPA documentation. This section also explicitly states that no management activity may be undertaken on the newly acquired federal lands or interests in land until NEPA and ESA are fully complied with and, if necessary, the applicable resource management plan is amended or revised. This section requires that processing of the exchange must be completed within one year of the date of submission of the exchange application. Further, the nonfederal land or interests in land in the exchange are to be appraised without restrictions imposed by federal or State law to protect an environmental value or resource if protection of that value or resource is the very reason why the land is being acquired by the federal government.

This section also allows the Forest Service and BLM to offer for competitive bid the exchange of federal lands or interests in land that meets certain conditions. It also authorizes the agencies to identify early or "prequalify" federal lands or interests in land for exchange. Further, when an exchange involves school trust lands, the agency is excused from conducting a cultural assessment under section 106 of the National Historic Preservation Act if it enters into an agreement with the State that ensures State protection after the exchange of archeological resources or sites to the maximum extent practicable. Further, this section authorizes the Forest Service to exchange federally owned subsurface resources within the National Forest System or acquired under the Bankhead-Jones Farm Tenant Act of 1937.

This section establishes special funds with a cap of $12,000,000 for the agencies to use, subject to appropriations, for processing land exchanges (including making cash equalization payments where required to equalize values of exchange properties). Finally, the maximum value of lands in an exchange which may be undertaken on the basis of approximately equal value (rather than strictly equal value) is raised from $150,000 to $500,000.

Part C. The forest resource

This part contains 3 sections concerning sales of forest products on federal lands, expediting and linking such sales to forest health management activities.

Sec. 508. Forest health credits in sales of forest products. This section provides the Forest Service and BLM with an optional approach to undertaking forest health management activities that would be impractical for the agencies to accomplish under existing procedures or within existing programs. Modelled on the provision for road construction credits for purchasers of forest products sales in the National Forest Roads and Trails Act (16 U.S.C. 535(2)), this approach permits the agencies to include new provisions in the standard contract provisions for any salvage sale of forest products or any sale of forest products constituting a forest health enhancement project under section 509. These new provisions would obligate the purchaser to undertake certain forest health management activities which could logically be performed as part of the sale. In return, the purchaser receives "forest health credits" to offset the cost of performing the activities against the purchaser's payment for the forest products. These forest health management activities are subject to the same contractual requirements as all other harvesting activities. Sale contracts with these forest health credits provisions are to have terms of no more than 3 years.

Before forest health credits provisions can be included in a contract of sale of forest products, the agency concerned has to identify and select the specific forest health management activities. Forest health activities would be eligible for forest health credits if the agency concerned finds that: (1) they would address the effects of the operation of the sale or past sales, or involve vegetation management within the sale area; and (2) they could be accomplished most effectively when performed as part of the sale contract, and would not likely be performed otherwise. Forest health management activities are defined to include thinning, salvage, stand improvement, reforestation, prescribed burning or other fuels management, insect or disease control, riparian or other habitat improvement, or other activity which has any of 5 purposes: improve forest health; safeguard human life, property, and communities; protect other forest resources threatened by adverse forest health conditions; restore the integrity of ecosystems, watersheds, and habitats damaged by adverse forest health conditions; or protect federal investments in forest resources and future federal, State, and local revenues.

Once the determination is made to add forest health management activities requirements to a sale of forest products, the specific activities are identified, and their costs are appraised, the required activities and the forest health credits assigned to those activities are identified in the sale's advertisement and prospectus. (After the sale, the agency, with the concurrence of a sale purchaser, can alter the scope of the forest health management activities or amount of credits when warranted by changed conditions.) This section provides that sales with forest health credits need not return more revenues than they cost and are not to be considered in determining the revenue effects of individual forest, Forest Service region, or national forest products sales programs.

Appropriated funds can be used to offset the costs of forest health management activities prescribed in a forest products sale contract (typically when the total cost of such activities would otherwise exceed the value of the offered forest products materials or likely dampen competitive interest in the sale), but only if those funds are derived from the resource function or functions which would directly benefit from the performance of the activities and are appropriated in the fiscal year in which the sale is offered. The amount of any appropriated funds to be paid for forest health management activities under a sale contract also must be announced in the sale's advertisement and prospectus.

In order to provide for a smooth introduction of sale contracts with forest health credits provisions, the agencies are urged to employ, wherever feasible, the already developed and tested Forest Service procedures and requirements for sales of forest products providing purchaser credits for road construction under the National Forest Roads and Trails Act. However, unlike those road construction credits, the forest health credits issued under this section could not become ineffective. All forest health credits earned by the purchaser are redeemable. Earned forest health credits can be transferred to any other sale of forest products held by the purchaser which is located in the same region of the Forest Service or same jurisdiction of the BLM State office, as the case may be. The credits are considered "earned" when the purchaser satisfactorily performs the forest health management activity to which the credits are assigned in the sale advertisement. If the purchaser normally would be required to pay for all the forest products materials prior to completion of a forest health management activity or activities assigned forest health credits, the purchaser could elect to defer a portion of the final payment for the harvested materials equal to the forest health credits assigned to the activity.

This section sunsets in 5 years, but previously awarded contracts for sale of forest products with forest health credits provisions remain in effect under the terms of this section after that time. To assist the Congress in determining whether this section should be reenacted, the Forest Service and BLM are required to monitor the performance of sales contracts with forest health credits and submit a joint report to Congress assessing the contracts' effectiveness and whether continued use of such contracts is advised.

Sec. 509. Special funds. This section gives permanent status to funds for salvage sales of forest products of the Forest Service and BLM and expands their purposes to allow use of the fund monies for a full array of forest health enhancement projects.

Sec. 510. Private contractors. To ensure that processing of sales of forest products is accomplished in a timely manner in an era of severe budget and personnel constraints, this section encourages that the agencies, to the maximum extent possible, use private contractors to prepare the sales. To ensure the integrity of sale decisionmaking, this section also requires the agencies to review the contract's work before making any decisions on the sales and bars the contractors from commenting on or participating in the sales' decisions.

Sec. 511. Non-harvested forest product sales. This section eliminates statutory barriers to those who wish to bid on sales of forest products with the intention of preserving the trees in place instead of harvesting them. For those opposed to particular sales, this provides another avenue besides litigation to challenge them.

Any sales of forest products may be purchased by parties who elect not to harvest

the trees ("election sales") except sales involving forest health credits under section 508, sales funded under the Special Funds established by section 509, and sales which have as their primary purpose "vegetative management of lands management other than the disposal of forest products," as defend by regulation. In other words, when sales are offered in situations where removal of trees is necessary for environmental protection reasons, the purchaser must not have the option to leave the trees in place; but, in situations where the sales are offered principally for commodity purposes, that option should be available.

The length of term of an election sale will correspond to the expected silvicultural rotation in a sale designed to generate even-aged stands or the period prior to the next schedule entry for a sale designed to develop and maintain uneven-aged stands. Upon payment of the prorata share of the purchase price, with interest, the Forest Service or BLM can terminate an election sale contract during the contract term if the trees subject to the sale are substantially damaged by fire, windthrow, disease, insect infestation, or other natural event and the determination is made that harvesting is necessary to avoid damage to adjacent areas.

The sale notice must notify prospective bidders if the sale qualifies as an election sale and any bidder who intends to elect non-harvesting must notify the Forest Service or BLM with the bid submission. To ensure that all bids in an election sale that has specifications for road construction or reconstruction are equivalent for purposes of determining the winning bidder, the Forest Service or BLM must deduct from any bid which contains a non-harvesting notice the estimated cost of such construction or reconstruction.

Sec. 512. Exemption from strict liability for recovery of fire suppression costs. Section 504 of FLPMA directed the Secretary of the Interior to promulgate regulations governing liability of users of rights-of-way granted under that Act. The subsequent regulations imposed liability without fault for, among other things, the recovery of fire suppression costs of up to $1 million (43 C.F.R. §2803.1-5). This section would amend section 504 to relieve non-profit entities, particularly entities that use the rights-of-way for electrical transmission to parties who own equity interests in the entities, from strict liability for such costs. This provision does not relieve these entities from liability for fire suppression costs when they are at fault.

TITLE VI—MISCELLANEOUS

Sec. 601. Regulations. This section requires the Forest Service and BLM to promulgate rules to implement this legislation within a year and a half of its enactment.

Sec. 602. Authorization of appropriations. This section authorizes appropriations to implement this legislation for 10 fiscal years after enactment. It also sunsets at the same time all other statutory authorizations for appropriations to the Forest Service and BLM for management of the federal lands.

Sec. 603. Effective date. This section provides that this legislation will take effect upon its enactment and admonishes that no decision or action authorized by this legislation is to be delayed pending rulemaking.

Sec. 604. Savings clauses. This section ensures that nothing in this legislation conflicts with the law pertaining to the BLM's O&C lands in Oregon. Further, this section bars construing any provision of this legislation as terminating any valid lease, permit, right-of-way, or other right or authorization of use of the federal lands, including any Native American treaty right, existing upon enactment. Finally, this section provides that all actions under this legislation are subject to valid existing rights.

Sec. 605. Severability. This final section contains the standard severability clause.

SECTION-BY-SECTION DESCRIPTION—FEDERAL LANDS MANAGEMENT ADJUSTMENT ACT

Sec. 1. Short title. The short title of this bill is "Federal Lands Management Adjustment Act."

Sec. 2. Purposes. The bill has two purposes. The first is to encourage the development of alternative management programs for federal lands administered by the Bureau of Land Management (BLM) and Forest Service that are more innovative, less costly, and more reflective of neighboring communities' and publics' concerns and needs than the agencies' current programs. The second purpose is to provide a procedure that would grant authority to the States and nonprofit organizations to implement those alternative management programs on certain of those federal lands.

Sec. 3. Definitions. This section defines the terms used in this legislation. For example, "Committees of Congress" means the Committee on Energy and Natural Resources and Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and Committee on Agriculture of the House of Representatives.

Most important are the definitions of "federal lands" and "eligible federal lands" for which temporary management authority may be granted under procedures established by this legislation. "Federal lands" are defined as lands managed by the BLM (other than Outer Continental Shelf lands) and lands in the National Forest System (including national grasslands) managed by the Forest Service. All "federal lands" are eligible for temporary management by nonprofit organizations under applicable federal laws. Only "eligible federal lands" are eligible for temporary management by the States under State law. "Eligible federal lands" are defined to include federal lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, and National Trails System, but only if they are managed in accordance with the federal laws establishing those systems. To prevent fragmented management or "cherry picking" of only the most economically remunerative of federal lands by the States, this definition excludes from "eligible federal lands" any area that constitutes less than all the federal lands within a BLM district or national forest and any BLM district or national forest which generates the most revenues in a State (unless the State has less than 2 BLM districts or 2 national forests, or chooses to assume jurisdiction over all BLM-managed federal lands or all Forest Service-managed federal lands in the State).

Sec. 4. Transfer of management authority to States. This section authorizes the transfer of temporary management authority for eligible federal lands under the conditions, and in accordance with the procedures, established in this legislation.

Sec. 5. State application. This section provides the procedure by which the States may initiate the process of transferring temporary management authority over eligible federal lands. The governor of a State (or, if another State entity has authority under State law to acquire and convey State land, then that agency, after consultation with the governor) may submit an application to manage all or certain eligible federal lands within the State to the four Committees of Congress, to the Secretary of the Interior (for BLM lands) and/or Secretary of Agriculture (for Forest Service lands), and to any affected Indian tribes. Each State is limited to one application every 2 years because, once the State has submitted an application, it is prohibited from submitting another application during the 2-year application review period established by section 6. After the review period is completed, however, the State can submit another application regardless of whether the first application was approved or denied by Congress in accordance with section 6. The application must describe the eligible federal lands for which management authority is sought, provide a summary and the text of State laws under which the lands would be managed, and describe the personnel and funding available for managing the lands (including procedures to identify and employ Forest Service or BLM personnel who are knowledgeable about the specific lands and may seek employment if the management authority is transferred).

Sec. 6. Procedures for granting State management authority. This section provides the procedures to be performed by the federal government to grant State management authority over eligible federal lands. First, within 10 days of receiving a State application, the Secretary or Secretaries must publish notice of availability of the application in the Federal Register. Second, within 90 days of receiving the application, the Secretary or Secretaries must submit to the four Committees of Congress and any affected Indian tribe an advisory report on the application which assesses the adequacy of the State law to manage the lands, the qualifications of the State personnel assigned to manage the lands, the adequacy of the State funding for managing the lands, and any effect State management may have on Indian tribes. The report must also provide any recommendations which the Secretary or Secretaries have concerning the application. Any affected Indian tribe is invited to submit its own advisory report on the application within 60 days after the submission of the Secretarial advisory report.

This section also makes it clear that no State can assume temporary management authority over eligible federal lands without an act of Congress. It further states that, if Congress does not enact a law authorizing a State to assume management authority over eligible federal lands identified in a State application within 2 years from the date of receipt of the application by the four Committees of Congress, the application is deemed denied.

Sec. 7. State management of Federal lands. This section provides the minimum general condition for State management. (Of course, the individual acts authorizing State assumption of management authority may contain further conditions.)

This section declares that the eligible federal lands are to be managed by the State subject to valid existing rights in accordance with applicable State law, the federal law authorizing transfer of management authority, and other federal law applicable to State (not federal) lands. The exception is lands within the National Wilderness Preservation System, National Wild and Scenic Rivers System, and National Trails System; those lands must be managed in accordance with the federal laws which established those Systems. The State assumes all rights and responsibilities of the United States under and for federal grazing permits, mineral leases, contracts for sale of forest products, and other authorizations for use of the affected

federal lands in existence on the date the management authority is transferred. Those use authorizations will continue under their provisions and applicable federal law until the end of their terms (except the revenues will be paid to the States). At the end of the term of the use authorization it will not be extended or renewed; instead, the holder will be given right-of-first-refusal for the issuance of an authorization for the same use under State law.

Valid existing mining claims, however, remain under federal authority until the mining claims are patented, abandoned, declared invalid, or, at the election of the claimants, converted to State leases or other disposition under State law. The BLM and Forest Service must consult with the States on federal minerals management decisions concerning valid mining claims, and the States have authority to manage the surface estate and dispose of rights and collect any revenues from other minerals and rights.

The State would collect the revenues and fees that were previously imposed by federal law from those federal permits, licenses, etc., which remain in effect after State assumption of management authority over eligible federal lands. Otherwise, the State is free to impose its own revenue and fee collection requirements for those lands under State law. The State also may determine how the revenues and fees are to be used and distributed in accordance with State law.

Other federal land law that continues to apply to the eligible federal lands under State management is the access provisions of section 1323, and the Alaska subsistence use provisions of Title VIII, of the Alaska National Interests Lands Conservation Act. Federal land law that ceases to apply is the Payment In Lieu of Taxes Act and any other law that provides payments to State or local governments to offset declining revenues from federal lands.

Sec. 8. Authorization for transition appropriations. To facilitate the transfer of management authority, this section provides that amounts may be appropriated to a State which has assumed management authority in the first, second, and third fiscal years of State management equal to 75%, 50%, and 25%, respectively, of the appropriated funds expended in managing the lands in the last fiscal year of federal management. These funds must be reimbursed by the State to the federal Treasury within 7 years after the State receives them.

Sec. 9. Transition. This section provides for the transfer of federal records, federal personal property, and unexpended balances of federal appropriations and other funds to the State upon enactment of a management authority transfer law. It also authorizes the detailing to the State of federal personnel for a year or less.

Sec. 10. Term of the State management. This section defines the temporary nature of any transfer of management authority for eligible federal lands to the States. It limits the term of transfer to 10 years, unless provided otherwise in the specific management authority transfer law. A State may seek management authority for additional 10-year terms by filing new applications which would be processed in accordance with section 5. The State also may apply for ownership of eligible federal lands after the initial 10-year management period. The application for either continued State management or State ownership of the eligible federal lands must include a detailed report on the State's management performance on those lands during the terminating 10-year period. Congress would have to enact a law for ownership to pass, and this legislation provides no guidance for that process.

Sec. 11. Return to Federal management. This section provides guidance and procedures for the transfer of management authority for federal lands back to the federal government whenever a State chooses not to apply for, or Congress fails to grant, continued management authority. The guidance and procedures for reassumption of federal management authority are the mirror-image of the guidance and procedures provided in sections 7 and 9 for the transfer of management authority to the States.

Sec. 12. Transfer of management authority to nonprofits. This section provides authority to transfer temporary management authority over federal lands to nonprofit organizations. The conditions and procedures for transfer to nonprofits are similar to those established in prior sections for transfer to States, but with three significant differences: First, all federal lands (not "eligible federal lands" as in the case of the States) are eligible for nonprofit management, with three limitations (not less than all federal lands in any BLM district or national forest, and not more than three BLM districts or three national forests in the same general area). Second, the applicable law remains federal law (not State law as in the case of transfer to the States). The nonprofit, however, need not comply with federal agency regulations or policies if it otherwise complies with the applicable federal laws. Furthermore, in its application for management authority transfer, the nonprofit may identify any provisions of federal law which it desires an exemption or exception. And, if Congress grants the exemption or exception in the legislation authorizing transfer, the nonprofit need not adhere to those particular provisions. Third, no opportunity to assume ownership of federal lands is offered to nonprofits.

To qualify as a nonprofit organization which may submit a management authority transfer application, the organization must be a corporation or other entity that is organized under the laws of the State in which all or a majority of the relevant federal lands is located, has as its express purpose the managing those lands, and is described in section 501(c)(3) of the Internal Revenue Code.

The application for transfer must describe the federal lands for which management authority is sought, document the nonprofit's eligibility to submit an application and qualifications to manage those federal lands, identify the federal law exemptions or exceptions sought by the nonprofit, describe the relationship the nonprofit intends to have with BLM and Forest Service personnel then managing those federal lands, and identify any personnel changes the nonprofit expects to make in the first year it has management authority. In addition to the entities to which the State application must be sent, the nonprofit's application must also be submitted to any affected local government.

As in the case of the States, Secretarial advisory reports and Congressional enactment of legislation are required before transfer of management authority occurs. If the legislation is not enacted within two years of the submission of the application, the application is deemed denied.

This section provides for payment to each nonprofit in the first 3 years it manages the federal lands of 75%, 50%, and 25% of the funds that were appropriated for management of those lands by the federal agency in the last fiscal year prior to transfer. Although section 8 provides for identical payments to States which have assumed management authority, the State payments are authorized while the nonprofit payments are required.

The nonprofit receives all revenues and fees from the federal lands over which it has management authority. The nonprofit will make all employment and compensation decisions, subject to applicable federal law, concerning BLM or Forest Service personnel who manage those lands. Personnel from either agency on the date of transfer or newly employed from either agency after the date of transfer will remain federal employees. Additional personnel employed from outside either agency after the date of transfer will be employees of the nonprofit.

The provisions for length of management term, renewal for another term, and return to federal management are substantively the same as for the States.

Sec. 13. Venues. This section sets the venues for litigation related to transfer of federal land management authority under this legislation. Any litigation concerning any action, other than actions concerning valid mining claims, on eligible federal lands for which a State has assumed management authority must be brought in the appropriate State court. Any litigation concerning the validity or Constitutionality of this legislation must be brought in the U.S. District Court for the District of Columbia and any litigation concerning any law transferring management authority to either a State or a nonprofit organization enacted pursuant to section 6 or section 12 must be brought in the U.S. District Court for the district in which all or a majority of the lands to which the law applies is situated. This litigation must be brought within 60 days of the date of enactment of this legislation or the management authority transfer law, or be barred.

Sec. 14. Effect on other laws. This section makes it clear that State or nonprofit assumption of management authority over federal lands will not trigger changes in federal policies, resource management plans, etc. applicable to other federal lands in the State or region.

ADDITIONAL COSPONSORS

S. 623

At the request Mr. INOUYE, the names of the Senator from Washington [Mr. GORTON] and the Senator from New York [Mr. MOYNIHAN] were added as cosponsors of S. 623, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 834.

At the request Mr. HARKIN, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 834, a bill to amend the Public Health Service Act to ensure adequate research and education regarding the drug DES.

S. 836.

At the request Mr. ABRAHAM, the name of the Senator from Utah [Mr.

HATCH] was added as a cosponsor of S. 836, a bill to offer small businesses certain protections from litigation excesses.

S. 852.

At the request Mr. LOTT, the names of the Senator from Hawaii [Mr. AKAKA] and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 953.

At the request Mr. SHELBY, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 953, a bill to require certain Federal agencies to protect the right of private property owners, and for other purposes.

S. 980

At the request Mr. DURBIN, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 980, a bill to require the Secretary of the Army to close the U.S. Army School of the Americas.

S. 1096

At the request Mr. KERREY, the names of the Senator from Nevada [Mr. REID] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1096, a bill to restructure the Internal Revenue Service, and for other purposes.

S. 1115

At the request Mr. LOTT, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1115, a bill to amend title 49, United States Code, to improve one-call notification process, and for other purposes.

S. 1173

At the request Mr. WARNER, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 1173, a bill to authorize funds for construction of highways, for highway safety programs, and for mass transit programs, and for other purposes.

S. 1195

At the request Mr. CHAFEE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 1195, a bill to promote the adoption of children in foster care, and for other purposes.

S. 1204

At the request Mr. COVERDELL, the names of the Senator from Kentucky [Mr. FORD], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Minnesota [Mr. GRAMS], the Senator from North Carolina [Mr. HELMS], and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 1204, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

S. 1225

At the request Mr. HUTCHINSON, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1225, a bill to terminate the Internal Revenue Code of 1986.

S. 1244

At the request Mr. GRASSLEY, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1244, a bill to amend title 11, United States Code, to protect certain charitable contributions, and for other purposes.

SENATE RESOLUTION 119

At the request Mr. FEINGOLD, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of Senate Resolution 119, a resolution to express the sense of the Senate that the Secretary of Agriculture should establish a temporary emergency minimum milk price that is equitable to all producers nationwide and that provides price relief to economically distressed milk producers.

NOTICE OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Tuesday, October 7, 1997, 9:45 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is the nomination of Charles Jeffress to be an Assistant Secretary of Labor (OSHA). For further information, please call the committee, 202–224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, October 8, 1997, 10 a.m., in SD–106 of the Senate Dirksen Building. The subject of the hearing is the nomination of David Satcher to be Surgeon General and Assistant Secretary of HHS. For further information, please call the committee, 202–224–5375.

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources Subcommittee on Public Health and Safety will be held on Thursday, October 9, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is National Institutes of Health clinical research. For further information, please call the committee, 202–224–5375.

ADDITIONAL STATEMENTS

UNITED STATES-JAPAN RELATIONS

• Mr. ROTH. Mr. President, last week witnessed a crucial development in United States-Japan relations: the new guidelines for defense cooperation between the United States and Japan were promulgated. This development will require further action before it become meaningful, however, as the Japanese Diet must pass legislation to make the guidelines operational.

The United States and Japan have maintained a strong and vital security relationship for a half century. Since 1960, the Treaty of Mutual Cooperation and Security has been at the center of that relationship. That treaty also forms the core of our overall security strategy for the Asia Pacific region.

For historical reasons, and reasons having to do with constitutional interpretation, however, Japan's precise role in a regional crisis has been left largely undefined. With the end of the cold war and with raised tensions on the Korean Peninsula, the room for such ambiguity has narrowed significantly. A scenario in which American and Korean troops suffer casualties in a second Korean war while Japan debates what it could and could not do to assist in the effort would be a sure recipe for a collapse in the United States-Japan relationship.

Therefore, I am pleased that the new defense guidelines provide us a clearer understanding of Japan's role in the event of a regional crisis. Still, Japan must enact authorizing legislation to implement the guidelines. In addition, I believe Japan should move to resolve problematic constitutional issues having to do with collective self-defense to ensure even greater clarity in the country's security role. As I often said, the drafters of Japan's Constitution held that the document in no way undermined Tokyo's ability to participate in regional security arrangements or U.N. activities.•

HONORING DR. HENRY BEECHER HICKS, JR.

• Ms. MOSELEY-BRAUN. Mr. President, the times in which we live, and the challenges we face, require a special type of courage and vision to capture the attention of those we would lead into the next millennium. As never before, leadership is being tested

in the crucible of social and family crises. We have witnessed the virtual implosion of the family unit. Violence encroaches on front yards and in schoolyards. The most vulnerable among us—the aged, the infant, the ill—are all impotent in the battle to survive downsizing, right-sizing, and the budget ax. Yet, the bull rush is on.

To be sure, enormous problems demand imaginative, visionary, and courageous answers. Where do these answers come from? In the case of the Nation's Capital—from behind the pulpit has stepped a champion for the people—Henry Beecher Hicks, Jr. The citizens of the District of Columbia, and surrounding environs, are fortunate to have among them an extraordinary man whose vision is focused, and whose commitment to the uplifting of America is unequivocal.

By title, Dr. H. Beecher Hicks, Jr., is the senior minister of the Metropolitan Baptist Church. By practice, he is a relentless advocate for the poor, consistent proponent of self-determination for the District of Columbia, champion for children and quality education, haven for the homeless, Samaritan for the sick, and a preacher's preacher who stands behind a pulpit adorned with a dove.

As an author and a teacher, he is respected in academic circles across the Nation. Never compromising excellence, he demands rigorous study and mental acuity from his students. He is at home wherever he places his bible—from the ivy covered walls of a New England cathedral to a revival tent pitched on the muddy shores of the Mississippi. Dr. Hicks is revered by those in front and behind the pulpit. Academically grounded and oratorically gifted he is one of the Nation's foremost preachers.

On October 18, individuals from around the Nation, as well as those he mentors and pastors, will gather in Washington, DC, to pay tribute to his 20 years of service as senior minister of the Metropolitan Baptist Church. I take this opportunity to join them in saluting this outstanding pastor and preacher.●

CELEBRATING THE CITY OF HOLLAND'S 150TH ANNIVERSARY

● Mr. ABRAHAM. Mr. President, I stand today to proudly recognize the city of Holland's sesquicentennial anniversary. One hundred and fifty years ago this unique city was founded by a group of Dutch settlers who envisioned a town similar to their native Holland. Today, the city's rich Dutch heritage is still evident and continues to be a source of great pride for residents.

The State of Michigan is home to not only Dutch ancestry but a wide array of different cultures and ethnicities. I strongly believe this multiculturism serves Michigan well as a useful learning tool which links our communities together. Holland has built upon this notion by fully embracing its distinct ancestry and showcasing their Dutch traditions for all to experience and enjoy.

On its 150th anniversary, Holland has pulled out all the stops to ensure this special occasion does not slip away unnoticed. Befitting of this celebration is a visit from Her Royal Highness Princess Margrite of the Netherlands whose presence will serve as a capstone to the festivities. This momentous visit by the Princess and other dignitaries of The Netherlands offers a fine tribute to Holland and highlights the city's strong Dutch roots.

Mr. President, I am honored to pay tribute to the city of Holland on its 150th anniversary, and extend my congratulations to Mayor McGeehan and the residents of Holland on this auspicious occasion.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 11 TO JAN. 21, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Senator Robert F. Bennett:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Senator Mitch McConnell:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Senator Thad Cochran:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Senator Slade Gorton:									
Israel	Dollar		293.40						293.40
Senator Conrad Burns:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Steve Cortese:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Senator Connie Mack:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JAN. 11 TO JAN. 21, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		417.00						417.00
Robin Cleveland:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Sid Ashworth:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.60	435.00					1,475.60	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Susan Hogan:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.6	435.00					1,475.6	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Jim Morhard:									
Morocco	Dirham	4,168.71	475.34					4,168.71	475.34
Israel	Dollar		417.00						417.00
Kuwait	Dollar		358.00						358.00
Egypt	Pound	1,475.6	435.00					1,475.6	435.00
Hungary	Forint	69,536	424.00					69,536	424.00
Delegation expenses [1]									
Morocco							2,297.44		2,297.44
Israel							177.97		177.97
Kuwait							177.97		177.97
Egypt							177.97		177.97
Hungary							177.97		177.97
Bosnia and Herzegovina							1,563.97		1,563.97
Jordan							482.65		482.65
Total			22,279.14				5,055.94		27,335.08

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95–384, and Senate Resolution 179, agreed to May 25, 1977.

TED STEVENS,
Chairman, Committee on Appropriations, June 27, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM MAR. 21 TO APR. 1, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ted Stevens:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Steve Cortese:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Senator Thad Cochran:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Senator Dan Inouye:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Sid Ashworth:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Charlie Houy:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Senator Pete Domenici:									
Russia	Dollar		800.00						800.00
South Korea	Won	536,800	880.00					536,800	880.00
Alex Flint:									
Russia	Dollar		800.00						800.00
South Korea	Won		880.00					536,800	880.00
Delegation expenses: [1]									
Russia							1,975.72		1,975.72
South Korea							100.00		100.00
Total			13,440.00				2,075.72		15,515.72

[1] Delegation expenses include direct payments and reimbursements to the Department of State under authority of Section 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of Public Law 95–384, and Senate Resolution 179 agreed to May 25, 1977.

TED STEVENS,
Chairman, Committee on Appropriations, June 27, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
Argentina	Peso	249	244.00					249	244.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Chile	Dollar		766.60						766.60
United States	Dollar				1,882.95				1,882.95
Senator Rod Grams:									
Argentina	Dollar		323.00						323.00
Chile	Dollar		309.20						309.20
United States	Dollar				1,854.95				1,854.95
Wayne Abernathy:									
Argentina	Peso	249	244.00					249	244.00
Chile	Dollar		726.94						726.94
United States	Dollar				1,882.95				1,882.95
Lianchao Han:									
Argentina	Dollar		249.50						249.50
Chile	Dollar		324.20						324.20
United States	Dollar				1,417.95				1,417.95
Total			3,187.44		7,038.80				10,226.24

ALFONSE D'AMATO,
Chairman, Committee on Banking, Housing, and Urban Affairs, Aug. 6, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Moses Boyd:									
United States	Dollar				1,140.95				1,140.95
Netherlands Antilles	Dollar		450.00						450.00
Total			450.00		1,140.94				1,590.05

JOHN McCAIN,
Chairman, Committee on Commerce, Science and Transportation,
July 14, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Gregg Renkes:									
Puerto Rico	Dollar		664.00		431.00				1,095.00
David Garman:									
Norway	Kroner		789.00						789.00
United States	Dollar				987.00				987.00
Total			1,453.00		1,418.00				2,871.00

FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, June 27, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Jeff Sessions:									
China	Yuan	6,234.84	753.00					6,234.84	753.00
Hong Kong	Dollar	6,101.48	788.00					6,101.48	788.00
Total			1,541.00						1,541.00

JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, Sept. 25, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph R. Biden:									
United States	Dollar				1,895.25				1,895.25
Senator Sam Brownback:									
Egypt	Dollar		226.00						226.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Israel	Dollar		189.00						189.00
United States	Dollar				5,632.05				5,632.05
Senator Gordon Smith:									
Belgium	Franc	3,546	101.00					3,546.00	101.00
United Kingdom	Pound	393.87	642.00					393.87	642.00
United States	Dollar				4,109.45				4,109.45
Steve Biegun:									
Egypt	Pound		226.00						226.00
Israel	Dollar		189.00						189.00
Turkey	Dollar		80.00						80.00
Azerbaijan	Dollar		324.00						324.00
United States	Dollar				5,272.35				5,272.35
Elizabeth DeMoss:									
Nicaragua	Dollar		522.00						522.00
United States	Dollar				822.95				822.95
Kurt Ptotenhauer:									
The Netherlands	Guilder	325	171.00					325	171.00
Belgium	Franc	9,936	283.00					9,936	283.00
United Kingdom	Pound	393.87	642.00					393.87	642.00
United States	Dollar				2,390.70				2,390.70
Christina Rocca:									
Egypt	Pound		226.00						226.00
Israel	Dollar		189.00						189.00
Turkey	Dollar		80.00						80.00
Azerbaijan	Dollar		324.00						324.00
United States	Dollar				5,272.35				5,272.35
Nancy Stetson:									
Hong Kong	Dollar	1,568.14	218.00					1,568.14	218.00
United States	Dollar				2,363.00				2,363.00
Elizabeth Wilson:									
The Netherlands	Guilder	285.30	150.00					285.30	150.00
Belgium	Franc	9,163.71	261.00					9,163.71	261.00
United Kingdom	Pound	390	635.70					390	635.70
United States	Dollar				4,157.45				4,157.45
Dan Shapiro:									
Hong Kong	Dollar		500.00						500.00
Ellen Bork:									
Hong Kong	Dollar		1,464.00						1,464.00
United States	Dollar				2,973.95				2,973.95
Ken Peel:									
Hong Kong	Dollar		4,249.00						4,249.00
China	Dollar		384.50						384.50
United States	Dollar				4,947.95				4,947.95
Amendment to the first quarter of 1997:									
Ellen Bork:									
Laos	Dollar		455.00						455.00
Cambodia	Dollar		955.00						955.00
Hong Kong	Dollar		233.00						233.00
Total			13,919.20		39,837.45				53,756.65

JESSE HELMS,
Chairman on Foreign Relations, July 25, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON LABOR AND HUMAN RESOURCES FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Harkin:									
United States	Dollar				9,330.95				9,330.95
United Kingdom	Pound		195.27						195.27
Pakistan	Rupee	5,515.00	137.60	2,066.00	51.54	2,067.00	51.56	9,648.00	240.70
India	Rupee	1,508.00	42.17	2,416.00	67.53	4,360.00	121.90	8,284.00	231.60
Maria Rosario Gutierrez Bailey:									
United States	Dollar				7,561.95				7,561.95
United Kingdom	Dollar		203.17						203.17
Pakistan	Rupee	4,515.00	112.65	2,065.00	51.53	1,267.00	31.60	7,847.00	195.78
India	Rupee	1,508.00	42.17	2,416.00	67.54	4,360.00	121.90	8,284.00	231.61
Total			733.03		17,131.04		326.96		18,191.03

JIM JEFFORDS,
Chairman, Committee on Labor and Human Resources, June 2, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
William Duhnke			58.00						58.00
Laura Pressler			30.70						30.70
Taylor W. Lawrence			1,460.00						1,460.00
Emily Francona			584.00		3,549.25				4,133.25
Senator Richard Lugar			1,331.00		4,424.75				5,755.75
Ken Myers			2,063.00		4,424.75				6,487.75

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 1997—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total			5,526.70		12,398.75				17,925.45

RICHARD SHELBY,
Chairman, Select Committee on Intelligence, July 16, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM APRIL 1 TO JUNE 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky:									
United States	Dollar				3,927.65				3,927.65
Bulgaria	Dollar		1,260.00						1,260.00
Chadwick Gore:									
United States	Dollar				4,591.35				4,591.35
Poland	Dollar		1,478.00						1,478.00
Italy	Dollar		1,064.00						1,064.00
Bulgaria	Dollar		1,320.00						1,320.00
Robert Hand:									
United States	Dollar				1,505.75				1,505.75
Croatia	Dollar		1,527.04		439.96				1,967.00
Bosnia and Herzegovina	Dollar		783.00						783.00
Janice Helwig:									
Austria	Dollar		14,013.80		163.43		63.19		14,240.42
Marlene Kaufman:									
United States	Dollar				3,704.85				3,704.85
Denmark	Dollar		490.00						490.00
Ronald McNamara:									
United States	Dollar				4,797.55				4,797.55
Turkey	Dollar		988.45		318.78				1,307.23
Michael Ochs									
United States	Dollar				1,171.60				1,171.60
Poland	Dollar		1,515.00						1,515.00
Erika Schlager:									
United States	Dollar				2,346.25				2,346.25
Austria	Dollar		280.00						280.00
Slovakia	Dollar		392.00						392.00
Dorothy Taft:									
United States	Dollar				866.25				866.25
Austria	Dollar		280.00						280.00
Slovakia	Dollar		392.00						392.00
Total			25,783.29		23,833.42		63.19		49,679.90

ALFONSE D'AMATO,
Commission on Security and Cooperation in Europe, June 27, 1997.

ADDENDUM.—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AUTHORIZED BY THE MAJORITY LEADER FOR TRAVEL FROM JAN. 1, TO MAR. 31, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Connie Mack:									
China	Dollar						443.79		443.79
Hong Kong	Dollar						108.07		108.07
Gary Shiffman:									
China	Dollar						443.79		443.79
Hong Kong	Dollar						108.07		108.07
Total							1,103.72		1,103.72

TRENT LOTT,
Majority Leader, Sept. 17, 1997.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AUTHORIZED BY THE DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1 TO JUN. 30, 1997

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patty Murray:									
Hong Kong	Dollar	7,229.16	934.00			3,061.17	395.50	10,290.33	1,329.50
China	Yuan	4,744.62	613.00	2,430.11	293.48	911.79	110.12	8,086.42	1,016.60
United States	Dollar				3,734.95				3,734.95
Ben McMakin:									
Hong Kong	Dollar	7,368.48	952.00			3,061.25	395.51	10,429.73	1,347.51
China	Yuan	9,571.68	1,156.00	5,320.89	642.62	911.88	110.13	15,804.45	1,908.75
United States	Dollar				3,604.95				3,604.95
Patricia Akiyama:									
Hong Kong	Dollar	7,213.68	932.00			3,061.17	395.50	10,274.85	1,327.50
China	Yuan	9,430.92	1,139.00	5,321.05	642.64	911.79	110.12	15,663.76	1,891.76
United States	Dollar				3,734.95				3,734.95
Senator Daniel Patrick Moynihan:									
Israel	Dollar		1,692.00				2,487.00		4,179.00
United States	Dollar				6,998.65				6,998.65
Total			7,418.00		19,652.24		4,003.88		31,074.12

TOM DASCHLE,
Democratic Leader, Jul. 11, 1997.

MEASURES INDEFINITELY POSTPONED

Mr. COVERDELL. I ask unanimous consent the following items be indefinitely postponed. Calendar No. 28, S. 447; Calendar No. 34, Senate Concurrent Resolution 16; Calendar No. 35, Senate Concurrent Resolution 17; Calendar No. 47, S. 536; Calendar No. 55, Senate Concurrent Resolution 27; Calendar No. 100, S. 307; Calendar No. 101, S. 861; Calendar No. 118, S. 1034; Calendar No. 121, S. 1048.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, OCTOBER 6, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 1 p.m. on Monday, October 6. I further ask on Monday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 25, the campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, the Senate will be resuming consideration of the campaign finance reform bill during Monday's session. The majority leader has announced no rollcall votes will occur on Monday. Two cloture motions were filed today relative to the campaign finance reform bill, and as a reminder, those votes will occur at 2:15 on Tuesday.

Under rule XXII, all Senators have until the hour of 1 o'clock p.m. on Monday in order to file timely amendments to S. 25. I now ask unanimous consent that that time be extended until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. The Senate may resume consideration of the D.C. appropriations bill on Monday if the remaining outstanding issue can be resolved. A third cloture motion was filed today with respect to the pending Mack-Graham amendment to that appropriations bill. If necessary, that cloture vote would occur during Tuesday's session, as well. The majority leader has also stated that the Senate will be considering any available appropriations conference reports during next week. I thank my colleagues for their attention.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 1 P.M. MONDAY, OCTOBER 6, 1997

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 1 p.m., Monday, October 6, 1997.

Thereupon, the Senate, at 11:54 a.m., adjourned until Monday, October 6, 1997, at 1 p.m.

NOMINATIONS

Executive nominations received by the Senate October 3, 1997:

DEPARTMENT OF STATE

STANLEY LOUIS MCLELLAND, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAMAICA.

CAMERON R. HUME, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC AND POPULAR REPUBLIC OF ALGERIA.

TIMOTHY MICHAEL CARNEY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF HAITI.

DEPARTMENT OF VETERANS AFFAIRS

JOSEPH THOMPSON, OF NEW YORK, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE RAYMOND JOHN VOGEL, RESIGNED.

DEPARTMENT OF DEFENSE

F. WHITTEN PETERS, OF THE DISTRICT OF COLUMBIA, TO BE UNDER SECRETARY OF THE AIR FORCE, VICE RUDY DE LEON.

DEPARTMENT OF STATE

THOMAS J. MILLER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL COORDINATOR FOR CYPRUS.

AMY L. BONDURANT, OF THE DISTRICT OF COLUMBIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE ORGANIZATION FOR ECONOMIC COOPERATION AND DEVELOPMENT, WITH THE RANK OF AMBASSADOR.

OFFICE OF PERSONNEL MANAGEMENT

JANICE R. LACHANCE, OF MAINE, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS, VICE JAMES B. KING.

WITHDRAWAL

Executive message transmitted by the President to the Senate on October 3, 1997, withdrawing from further Senate consideration the following nomination:

OFFICE OF PERSONNEL MANAGEMENT

JAMES B. KING, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF PERSONNEL MANAGEMENT FOR A TERM OF 4 YEARS.